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Canada Royal commission on
employment of firemen on
diesel locomotives in freight
and yard service on the
Canadian Pacific railway

Proceedings

1957 no 19-21

A 741 amended

**ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY**

19-21
12

PROCEEDINGS



DATE: April 1, 1957

PLACE: Ottawa, Ont.

PAGES: 2387 - 2537

VOLUME: 19

E. L. FEATHERSTON
SHORTHAND REPORTER
241 MANOR AVENUE
ROCKCLIFFE PARK
OTTAWA, CANADA

I N D E X

WITNESSES:

FRAINE, J.N.
Exam. by Mr. Lewis 2389

EXHIBITS:

No. 115A - Comparison of train times 2389
116 - Book of Instructions, train,
engine and car movements,
June 1, 1952 2432

ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Monday, April
1, 1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C.	Representing the
C.J.A. Hughes, Q.C.	Commission
I.D. Sinclair,	Representing the
Allan Findlay	Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Monday,
April 1, 1957.

19TH DAY

MORNING SESSION

--- The Commission opened at 10.30 a.m.



J.N. FRAINE, Recalled

MR. SINCLAIR: Just before my friend starts to cross-examine Mr. Fraine, on Friday, through Mr. Fraine, I filed Exhibit 115, which set out information for various subdivisions on three regions of the Canadian Pacific, indicating the fastest and slowest symbol trains related to a common denominator, which was the portion of an equivalent day. It occurred to me when I was presenting that evidence that it could also be put on the basis of average miles per hour and thus make it a little more sharp and easier to follow. I have made that calculation and I would like to file it as Exhibit 115A. This gives the comparison of train times of freight trains -- relationship miles per hour. That is on the basis, as was the other exhibit, of the schedules.

EXHIBIT NO. 115A -- Comparison
of train
times.

BY MR. LEWIS:

Q Mr. Fraine, through you Mr. Sinclair filed a number of photographs indicating the development of motive power on the Canadian Pacific?

A That is right.

Q Do you have in your records any indication of the haulage capacity of various locomotives

and the number of cars that would compose a train at various periods?

A I do not know if I just understand your question. Every locomotive has a ~~rate~~^{haulage} capacity.

Q That is given on the exhibits?

A Yes.

Q Generally speaking, would you agree with me that progressively your trains have increased in speed and in size?

A Yes.

THE CHAIRMAN: By size the you mean the length?

MR. LEWIS: Length, yes.

HON. MR. McLAURIN: And weight.

BY MR. LEWIS:

Q Both weight and number of cars?

A Yes, that is right.

Q Would you tell the Commission, Mr. Fraine, where you hire your trainmen?

A Well, we hire them wherever we need them.

Q You hire them off the street or from other parts of your operations?

A In some cases they come from other lines of endeavour within the company; sometimes they come off the street. We usually try to get men who come out of railroad homes to the extent we are able to.

Q What training does a trainman get?

A Well, he gets three round trips as a general

1. 1. 1. 1. 1. 1.

2. 2. 2. 2. 2. 2.

3. 3. 3. 3. 3. 3.

practice, student trips, and then he gets some training from the officer who hires him. That is after he writes his examination the officer corrects the examination and then goes over the features in the examination book with the man concerned, and he sends him down to the car foreman who teaches him something about the air brake system on the cars, how to couple hose bags, how to uncouple hose bags, how to turn angle cocks, how to set hand brakes, how to bleed cars off, the operation of the retaining valve and things of that nature.

Then the hiring officer also teaches him how to place torpedoes on the track and how to light fusees and things of that nature.

Q If I appeared at your hiring office today, April 1, 1957, how long before I would go out on a trip as part of the regular crew?

A That would vary; it could be a week or it could be two weeks or ten days. It depends on how fast the man got his student trips in and how in his own capacity he was able --

MR. McLAURIN: That was not the question Mr. Lewis asked you. He asked you how long it would take him?

THE WITNESS: I would think Mr. Lewis would make it inside a week.

BY MR. LEWIS:

Q I gather from what you said earlier -- I was

almost adopting a very superior manner and was going to refer to myself as an average man, but I caught myself just in time -- when you were talking about experience I understand it would not usually take more than two weeks before this man would go out on a regular trip as part of the regular crew?

A That is right.

Q In most cases, am I not right, you would be hiring him off the street, perhaps from a railway family, but off the street?

A That is right.

A And your firemen, Mr. Fraine, are they in the same group as the yard firemen, your road firemen? In other words, are they in the same group as the yard firemen, or are they a separate seniority group?

A No, the firemen are on the same seniority list; that is in any given territory.

Q Would the road fireman previously have had yard fireman experience as a rule?

A That would vary.

Q Some of them would have had that?

A Yes, some might.

Q And some might not. Those who have not had it would be road firemen come out of the shops in the same way as the yard firemen, as we were told before?

A Yes. In the West the fireman is a wiper, which

is in fact a shop labourer. In the East he is a shop labourer first. That again would vary because in the East there have been occasions when firemen have been hired right off the street, you might say, with the trainmen.

Q Those occasions are not usual in the case of firemen, is that right?

A Well, I don't know what you would say they are not usual. It depends on the demand for firemen and how many men are available in the shop to be made into firemen.

Q Let us take it year by year. How many firemen would you hire off the street in the East in 1956?

A I could not tell you that.

Q Or in 1955?

A I could not tell you that either.

Q I suggest to you that the hiring of firemen off the street instead of out of the shop is an infrequent occurrence?

A Well, it depends, Mr. Lewis -- I would agree with you that most of them come through the shop.

Q As a matter of fact, would I be right in suggesting to you that perhaps you are thinking of the war years when you are talking about hiring firemen off the street?

A To a degree, yes.

Q And that in normal peacetime that kind of thing is very infrequent, would you not agree?

A Well, I could not say it is very infrequent, but the usual practice is to take them from the shop

if we can.

Q I suppose your answer would be the same as that of Mr. Alver and other people who gave evidence before, that it would -- that the road fireman would have been in the shop a year or more before he was promoted?

A Again that depends on the individual circumstances. They probably would.

Q Now then, how many student trips does a fireman get on the road before you send him out on his own with an engine crew?

A As I understand, it is three, the same as the trainmen, although there could be variation in that. It depends on the man.

Q Leaving diesels alone for a moment, I am instructed that he would receive three student trips on each of the three kinds of motive power, namely, hand-fired, stokers and oil burners?

A You mean concurrently?

Q No, he would take three trips on each engine using each kind of motive power, a total of nine student trips?

A Yes, in some places that might be so. We don't have too many places -- yes, in the West we have places where all three types are operating, but he certainly would have to know how to hand-fire an engine, and he would have to know how to operate a stoker and if it was an oil burner he would have to know how to operate that too.

Q And before he went on a diesel -- when you secured diesels would you give him any training with regard to diesel engines?

A I don't know just what you mean by that.

Q Would you give a fireman any training in regard to diesel engines?

A You mean student trips on a diesel engine?

Q Either student trips or any other kind of training?

A Yes, he gets ^{same thing} ~~something~~ as far as I know.

Q Pardon?

A He gets ^{same thing} ~~something~~ as far as I know. The student fireman is a student fireman. For instance, if he were hiring on in a territory where all the motive power was diesel he would make three student trips, but that is all that he would be required to make.

Q On a diesel engine?

A Yes.

Q Would you instruct him as to some of the things on a diesel that he should know about?

A I wouldn't think so. Any instructions he might get might probably come from the engineman or other firemen that he would be with.

Q Let us leave the student fireman alone for a moment and go back to the time when you first got diesels on the road, which would be around 1948, the beginning of 1949?

A Well, it was pretty modest in ^{January, 1949} ~~April~~, 1949, on Vancouver Island. There was subsequently some

diesels put on the Montreal Wells River section in ~~late~~ 1949.

Q Beginning with that year?

A Yes.

Q Even before that you had some diesels in yards, did you not, some 40 or 50?

A Yes, that is right.

Q When you obtained the diesels did you not take the firemen out to the diesel engines and give them an opportunity to study the engine and to learn about it and teach him about it?

A I do not know that I can answer that, Mr. Lewis. I think the probability is that he would be shown some of the salient features of it.

Q You do not know about it having been done as a regular matter?

A No, I never had anything to do with it personally.

Q Do you know what the turnover is in road trainmen? Have you any idea? Is it large or small?

A Well, again it varies from place to place or from year to year. I do not have any figures on it, no.

Q But you could find out?

A Well, I suppose we could.

MR. LEWIS: With your permission I would like to ask the witness to do that. While he is doing that perhaps he could also obtain the same information about the turnover of firemen, either for one year or for a number of years, as he likes.

MR. SINCLAIR: Just for clarification. We are receiving broad requests like this. Does my friend want it for each division or each region, or what does the Commission wish to do with these requests? It will require going back into the records again.

MR. LEWIS: I imagine by regions.

MR. SINCLAIR: One division on each region?

J.N.Fraime

MR. LEWIS: I don't know how many trainmen they have, but I do know that Exhibit 12, to which I shall refer in a moment, shows about 3,000 firemen and hostlers combined. I should not think it would be terribly difficult to find out.

Mr. SINCLAIR: Six thousand right off, it must be around 6,000. I do not know but I guess 6,000 or 7,000.

Mr. LEWIS: I will put it this way. If Mr. Fraime and his staff find any great difficulty in developing this information, perhaps my friend and I can speak to each other again. I do not know how they keep their records.

Mr. SINCLAIR: I think my friend should say what he wants and then we will try to get it.

THE CHAIRMAN: Of course, the question was, as I understood it, on the system.

MR. SINCLAIR: I did not recognize it as being on the system as he put it. Maybe that is so.

MR. LEWIS: That is right.

THE CHAIRMAN: I think the witness can see what he can do and if he finds it is too big a job he can speak to you.

MR. SINCLAIR: For how many years, one year, last year, 1956?

THE CHAIRMAN: I think the question was one year or two years.

MR. LEWIS: That is right. I was going to

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leave that to Mr.Fraine. It is just so that the Commission will get an idea of the trend. I suppose three or four years would be better if you want to obtain a trend, and if it is not too difficult to get it that way --

MR. SINCLAIR: I don't know that you can find a trend.

THE CHAIRMAN: I suppose the object of the question is to find out what proportion of men in the respective groups have been there for sometime and are experienced and to what extent they have not had lengthy experience. Is that it?

MR. LEWIS: That is right. Mr.Chairman, there may be another and an easier way of getting at it. I apologize for wandering a bit. In Exhibit 12 we were given the number of firemen in passenger, freight and yard service, as well as the number of hostlers, for the twelve month period, December, 1955 to November, 1956. Then, in the bottom half of that exhibit we were given the number of fireman helpers with less than three years seniority, as at April 1,1956.

MR.SINCLAIR: We could parallel that, if that would satisfy the request.

THE CHAIRMAN: Parallel that with respect to trainmen.

MR. SINCLAIR: Yes.

MR. LEWIS: I thoughtperhaps that would be one way to look at it.

J.N.Fraine

BY MR. LEWIS:

Q In that connection, Mr. Fraine, I do not suppose there would be any difficulty in breaking down the number with less than three years' seniority a bit further; in other words, those with less than three years, those with less than two years, and those with less than one year?

A I did not prepare the exhibit but I would assume that it was built up from years. I think that could probably be done.

MR. LEWIS: Mr. Chairman, may I respectfully request through you that my learned friend try to break down this three years' seniority into three, two and one, and the same for the trainmen. Perhaps that would be the easiest way of getting what I want to put to the Commission.

MR. MUNDELL: Is this in substitution for your earlier request for the time being?

MR. LEWIS: Yes, in substitution for the time being of my earlier request.

BY MR. LEWIS:

Q Now, Mr. Fraine, there is one small matter. If I remember correctly, in relation to Exhibits 97 and 98, the first of which is a photograph of a 8400 diesel engine and the second one the left side of the interior of the cab - - is that right?

A Yes sir.

Q I think in connection with Exhibit 98, in

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answer to a question by Mr.Sinclair, you informed the Commission that the left or rear seat was the fireman's seat, and the right or front seat was the brakeman's seat?

A That is right.

THE CHAIRMAN: What is that again, Mr.Lewis, as to Exhibit 9C?

MR.LEWIS: That the left or rear seat was the fireman's and that the seat which is on the right of the photograph and would be the front seat was the brakeman's. That is what Mr.Fraire informed the members of the Commission.

BY MR. LEWIS:

Q Have you seen the brakeman and the fireman occupy the seats in that order?

A Yes sir.

Q On these 8400's?

A Yes sir.

Q Where the brakeman sat in the front seat and the fireman in the back seat?

A The brakeman in the front seat, the fireman in back seat; that is right.

Q Have you seen that done regularly on the 8400's that you have been on?

A Yes, I understand that is the general practice all over the system. We had a fireman here last summer that insisted that was the situation.

Q That the back seat is for him?

A That is right.

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Q Is there something on the blueprint of this which indicates which seat is for whom?

A No, not that I know of.

Q Well, who designated which seat for whom? That is really what I was wondering about, merely as a matter of curiosity.

A I don't know that it was designated. The trainman is the man who has always had the responsibility primarily for the forward look-out, so I presume he took the forward seat and the fireman took the other seat.

Q Where can you show the Commission that the trainman has always had the major responsibility for the forward look-out?

Can you tell me how you can substantiate that?

A Well, the trainman has always been responsible for the safety of the operation of the train and to do that he was required to make the forward look-out and he was required to observe his train. We never accepted any excuse from him for not being able to do that.

Q Have you ever accepted any excuse from the fireman for not having maintained a forward look-out?

A The fireman's main and principal function was to provide steam and to the extent that he was able to, after he provided the steam and the power, then he was expected to maintain such look-out as he could and such observation

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of the train as he could, and that has been the case down through the years.

Q Mr. Fraire, do you recall or can you find any case where a fireman was not held responsible for failure to maintain a forward look-out?

A Right offhand I don't know that I could locate a case of that kind for you. I know this, that when I was conducting investigations as a division officer into matters of that kind, invariably the fireman would say that he was putting in a fire, and he would be supported in that position by his organizational representatives and if the circumstances were such that the division officer -- if I knew and realized that he had some reason to be putting in a fire at ^{time} that/and if it was logical and reasonable and sound, due consideration was taken of that.

Q Mr. Fraire, let us take your statement in two parts. You say it was normal for the fireman to give the reason or excuse, whichever you like, that he had been putting in the fire and that his organization would support him in that?

A Yes sir.

Q Was it normal for you to accept that kind of reason or excuse?

A I accepted it if -- yes, if it was justified in my opinion.

Q What do you mean by "justified in your opinion"? What would justify it?

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A The conditions and the location where it had happened.

Q What does that mean?

A And what the circumstances were.

Q What does that mean?

A If the man was hand-firing an engine up a heavy grade certainly he would have to be making steam.

Q And if he was firing the engine as the train approached a station, where the head end trainman was required to exchange signals with the rear crews -- I will come back to that later. -- you would tell him he should not have been firing ^{at} that time?

A No, I don't think so.

Q You would not?

A No.

Q You would not tell him he ought to be careful as to when he does the firing and space his firing in order to be able to maintain a forward lookout?

A He can space his firing to a degree but not to that extent, Mr. Lewis.

Q Not to what extent?

A That he turns around from his shovelling duties to see which way the head trainman is looking.

Q Would you not have expected him on the road in steam, that as he was approaching signals or a station or a crossing -- if he knew

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the road you expected him, did you not, not to fire at that particular time and to space his firing so he would be free to maintain a look-out?

A No.

Q When he was faced with those circumstances?

A That is not right. I don't know who has told you that. The situation is this. The man is firing the engine and the engineer sounds a crossing whistle. He would step up and have a look or if the engineer or the trainman called a clear signal he would have a look. There is no reason why he cannot do that.

Q Mr. Fraine, I suggest to you that there are discipline cases almost without number in which you have disciplined firemen for failure to keep a forward look-out and have refused to accept firing as a reason for the failure?

A Well, you may be able to find some cases of that kind, Mr. Lewis.

Q Well, are there such?

A Every man on that train is required to comply with the operating rules, and if in the judgment of the local officers, in the light of the circumstances that existed at the time, the fireman was in a position or could have been in a position to avoid a breach of the rules, then he has to share his responsibility, but it was not his primary function and in many instances he was not disciplined to the same

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extent as the other people.

Q Mr. Fraime, I suggest to you that as a matter of fact through the years until about a year ago you considered the forward look-out to be the major responsibility of the engine crew, namely the engineer and the fireman, and not the head end brakeman?

A That is not correct.

Q Mr. Fraime, in a number of cases which Mr. Sinclair was good enough to provide me, and which were presented by one of the witnesses there is this one which is No. 3 in that group of nineteen, and it deals with yard rather than with road, Mr. Fraime. There is a memorandum which is not signed, but I presume it is in your file and it is your company's record and would be made by the officers of your company investigating that incident. Right?

MR. SINCLAIR: It is a memorandum attached to the 1409.

MR. LEWIS: That would be made by the officers

MR. SINCLAIR: It is part of this document, Mr. Lewis.

BY MR. LEWIS:

Q It would be made by Mr. Martin and Mr. Pouliot, in this case the superintendent and general superintendent?

A That is right.

J.N.Fraire

Q May I direct your attention to this statement on page 2, the paragraph dealing with the yardman in that case? Mr. Chairman, so it will make a little more sense to the Commission, this memorandum deals with the violation of a rule and the investigation of a particular incident which occurred in Windsor Station, Montreal, on April 14, 1956.

MR. SINCLAIR: A violation of what rule?

MR. LEWIS: A violation of rules 34 and 601a of the Uniform Code of Operating Rules, in that the engineman, the fireman and the yard foreman failed to know and call the indication of an interlocking signal, and the memorandum deals with the investigation made in respect of each of the three, the engineman, the fireman and the yard foreman. In the paragraph dealing with the yard foreman at the bottom of page 2 of the memorandum this occurs. Perhaps I had better read the paragraph.

MR. SINCLAIR: You said "yard foreman"?

MR. LEWIS: Yard foreman, yes.

"Yard foreman X also shares responsibility as he, too, is thoroughly familiar with the physical characteristics of the plant, knew of the existence of this signal and acknowledges that it was the result of his lack of alertness that he overlooked it at this time. He should

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have made a point of observing its indication and exchanging it as required by Rule 34. A member of a yard crew is not required to ride in the cab of a light engine, or when switching at Windsor Station. It is the practice for a member to ride on the trailing foot board, but the fact that X took up a position in the cab also involves him; however, as observance and compliance with the signals governing the movement of yard engines is the direct responsibility of the engine crew, it is felt that X's discipline should not be as severe as the engineman and, accordingly, his record has been debited with 20 dermerit marks."

Then the reason is given.

THE CHAIRMAN: He is a yard foreman?

THE WITNESS: That is right.

MR. LEWIS: He is a yard foreman.

BY MR. LEWIS:

Q Do you agree with the statement, "As observance and compliance with signals governing the movement of yard engines is the direct responsibility of the engine crew"?

A Yes, that is right.

Q Would you agree with that statement?

A Certainly; as long as the fireman is there he has the responsibility to comply with the operating rules; no question about that, and this is a yard engine moving cab first, and the particulars in this place are that the yard foreman and the fireman and the engineman were all in the cab of the locomotive and talking about something else which interfered with their paying attention to what they were doing, and they were all disciplined. If you look at this you will see that the yard foreman got 20 demerit marks, the fireman got 10 and the engineman got 30.

Q I will come to the discipline of the fireman in a moment.

BY THE CHAIRMAN:

Q What kind of an engine was it?

A A diesel yard engine moving cab first.

BY MR. LEWIS:

Q I will come to the fireman's discipline in a moment. I ask you again if the precise wording of this, observance and compliance with signals governing the movement of yard engines, is the direct responsibility of the engine crew?

A That is correct, the same as it is with anything else.

Q Do you not think that these words imply that the engine crew~~has~~ the direct responsibility, and that the yard foreman's was not a direct responsibility in this case?

A No; that is not what it means. That means that if the yard foreman was^{not up}/on the engine he would not have been disciplined; but since he was there and in a position to observe ^{portion of the} he must share his/responsibility, too.

Q I suggest to you that these words express what has always been the practice on your railway, that the forward look not only on a yard engine but on a road engine was considered the direct responsibility of the engine crew, namely the engineer and the ^{and} fireman,/that the yardman or the trainman who happened to be on the engine shared that direct responsibility?

A Oh, no, no; that is not the way it works at all, Mr. Lewis.

Q You disagree that that is the way it works?

A I most certainly do.

Q Mr. Fraine, since you mentioned that the fireman was only given 10 demerit marks as against 20 for the yard foreman and 30 for the engineman, may I read this sentence to you with regard to fireman "Y" last entered the company's service

on December 16 last as fireman in Farnham Division, and has been working as fireman on assignment no. 11, Glen yard, since December 20, 1955." You will remember, Mr. Fraine, that this happened on April 14, 1956?

A Yes.

Q Less than four months later?

A Yes.

Q "He is also familiar with the characteristics of Windsor Station interlocking plant, and, although new in the service, understands the seriousness of signal rules infraction as well as his duty and responsibility as a fireman on diesel unit to check closely at all times on all signals affecting the movement of his engine. Being a member of the engine crew, he is directly responsible with the engineman for this failure, but in consideration of his relatively short length of service, it is felt that the interests of discipline have been served in his case by the assessment of 10 demerit marks to his record." Is that right?

A That is what it says.

Q I suggest to you that what it says is first, **the** reason this fellow got only 10 demerit marks was that, as this says, his relatively short length of service?

A That is right.

Q Yes?

A He would also get less discipline than the yard foreman and the engineman who are both supervising employees.

Q Yes, because they are in a supervisory position?

A That is right.

Q What would you say these words mean that I read to you, that it is his responsibility as a fireman on a diesel unit to check closely at all times on all signals affecting the movement of his engine, and being a member of the engine crew he is directly responsible with the engineman for this failure?

A Well, he is on the engine, Mr. Lewis, and he has nothing else to do; we are paying him a good figure, we can ^{not} relieve him of his obligation to comply with the operating rules.

Q I am not asking you to relieve him, with great respect. Would you please answer my question.

MR. SINCLAIR: Every witness my friend cross-examines he complains about the way the witness answers. I thought the way the witness answered was very fair; I thought it was a very fair way to answer, and it is rather tiresome to hear my friend complaining every time he gets an answer he does not like.

MR. LEWIS: I am sorry my friend is

feeling tired, or that I am being tiresome, I do not know which it is, but what I would like to know --

THE CHAIRMAN: As long as we do not complain, Mr. Lewis, it is all right. I suppose what the witness has already said to you is Rule 34.

MR. LEWIS: In part it would be in this case, yes, that he has a responsibility --

THE CHAIRMAN: It says here, "crews of engines". That is what the rule says.

MR. LEWIS: Yes.

BY MR. LEWIS:

Q What I am suggesting you, Mr. Fraine, is that until this issue arose you always held the fireman responsible for a forward look-out if failure resulted in an accident?

A The way you are putting it, Mr. Lewis, I do not know whether I can answer it yes or no; but I would say to you this. There has been no change in the manner in which we have been handling discipline merely because of the incidents in this case. A man under the circumstances that existed, and under the rule book, was responsible, well, then, he was assessed discipline; if he was not, he was not. It is just the same now.

Q Let me refer you to another case which was found for me in our files, Mr. Fraine, and

in line with our wish I will not mention the fireman's name. I will show it to my friend and to Mr. Fraine.

MR. MUNDELL: At one point in the questioning earlier the name of the fireman came out.

THE CHAIRMAN: It can be taken out and the letter "X" put in.

MR. MUNDELL: The yard foreman's name was repeated the second time, too.

MR. LEWIS: It does not matter much, Mr. Chairman.

BY MR. LEWIS:

Q This is our file and it will not be as complete as your company's records, Mr. Fraine. This accident occurred in Perth Junction yard at 10.42 a.m. on July 27, 1954. I show you a letter which purports to be signed by -- would that be J. R. Strother?

A Yes.

Q You recognize the signature?

A Yes, that is Mr. Strother's --

Q That is Mr. Strother's signature?

A Yes.

Q He was general superintendent of what division?

A The New Brunswick district.

Q By the way, where is Perth Junction? Is it in New Brunswick?

A Yes, Woodstock Division.

Q This letter is addressed, Mr. Fraine, as you note, to the general chairman of the Brotherhood of Firemen and Enginemen?

A That is right.

Q And the letter says this:

" This employee was disciplined for 'failure to assume position' in cab of engine 2598, train 93, to permit checking of view ahead in restricted area, and to protest violation of second paragraph of Rule 93."

Would engine 2598 be a steam engine?

A 2598, yes, sir.

Q "Resulting in headend collision with train 82, Perth Junction, July 27, 1954.

General rule 'L' provides in part 'in case of danger to the company's property employees must unite to protect it.'

'X' is a passed engineman. He was well acquainted with the physical characteristics of the approach to Perth Junction yard from the south. He knew his train held a meet with train 82 at Perth Junction, and he knew train 82 was

"authorized by rule to work outside the switch to be used by train 93. However, from his considerable experience in and about Perth Junction, he knew train 82 always switched the yard.

After passing the crossing at Mile 98.95 'X' had no duties requiring his remaining on the left side of the locomotive. There was nothing for him to see from this side. He readily could have moved to the engineman's side to look ahead, and be in a position to identify the meet.

It is not necessary for firemen to be instructed where they should place themselves in the cabs of locomotives under certain circumstances. Employees of experience should know when this can be done to advantage, and ordinary judgment on their part will cause them to act as required."

This letter from which I have read to you, Mr. Fraine, is dated, as you see, January 4, 1955, and is your file no. 3819?

A Mr. Strother's file number.

Q Or Mr. Strother's file number?

A Yes.

Q Now, Mr. Fraine, what that means -- correct me if I am wrong -- is that here is fireman "X" on a steam engine who would have been able to identify that meet if he had left his side and gone to the engineman's side to look ahead, and you held him responsible for failure to do that; is that not right?

A That is right.

Q Do you suggest that in view of that on a steam engine it was not your practice to hold the fireman responsible for forward look-out?

A It does not involve forward look-out; it involves identifying the meet.

Q What does that mean?

A That means you must not go by any station where you have a meet without knowing that the train met is the one on which you have the meet.

Q You wanted him to make sure that meet was there?

A Certainly.

Q I apologize for saying "forward look"; I should not have said that. You know that by seeing the number on the engine of the train that is sitting there, if it were sitting there?

J. N. Fraine

- A Yes, the engine number and the signal^{mark}marker is; you have to see them all, know about them all.
- Q It was the fireman's duty in that case, and it would have been in all cases, would it not, to make sure that the meet had been met?
- A Oh, sure, certainly.
- Q And for that he has not only to do it on his side of the engine crew, but in that case he has to go across to the engineman's side to make sure?
- A If he wants to satisfy himself in that manner, yes.
- Q If he wants to satisfy himself; he has to satisfy himself; and he has to satisfy you in that manner in that case, is not that right?
- A That is right; it is done quite regularly.
- Q I beg your pardon?
- A It is done quite regularly.
- Q You expect him to do it quite regularly?
- A He has got to, yes.
- Q Even when he is in a steam engine?
- A Yes, sir.
- Q In spite of his firing duties?
- A Yes, sir.
- Q I suggest to you, Mr. Fraine, that just as you require him to watch that meet, so you require him to keep a forward look-out in spite of his fireman's duties and always did?

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A Well, if he did not do his firing he would not have any forward look-out.

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Robertson

Q I am not disputing that, Mr. Fraine. I do not think anyone is. He has his duties of firing. An exhibit which I shall come to later and ask you some questions about compared the duties of the firemen and the trainmen. You put that before this Commission, and you did this morning again, about the forward look-out being the main responsibility of the trainman and not the fireman?

A It always has been.

Q Always has been what?

A The responsibility of the head trainman, and still is.

Q And not the fireman just as much as the head trainman?

A Just the fireman to the extent he is able to do it, but he cannot maintain it if he is not up there. He can do it sporadically, but he cannot maintain a forward look-out to the extent the head trainman can.

Q Can the head trainman maintain a forward look-out when he has other duties, when he is off the cab, for example?

A Well, of course I am talking about the train moving over the road. He is not out of the cab when the train is moving over the road.

Q Mr. Fraine, on a freight trip there are occasions when the head end trainman is off the

cab as the train is doubling or switching?

A Yes, as a member of the ground crew, switching.

Q I am coming to that in a little more detail later but there are just one or two things about stoker and oil engines my technical advisers suggested I ask you about. First of all, you said somewhere in the transcript that there is an automatic fire door on some of the coal engines?

A Yes, it is what they call a butterfly door,

Q What is that?

A You step on a pedal and it opens itself.

Q It is not automatic, is it? You step on a foot pedal instead of having to yank it open with a handle?

A Yes.

THE CHAIRMAN: When the fireman turns around to throw a shovelful of coal into the fire box his foot has got to step on the pedal and that opens the door?

MR. LEWIS: That is right.

BY MR. LEWIS:

Q You said somewhere else that it was assisted by hand-firing as well?

A I have seen it done, yes.

Q I am instructed that would happen only when the stoker was not functioning?

A That is the only time it should happen.

Q And the only time it would happen, actually?

There would be no reason to do it otherwise?

A Well, the stoker was functioning but the man who was functioning it was not able to make it function as it should. He was not getting the steam.

Q Either the stoker did not function or the fireman did not function, one or the other?

A That is right. We had lots of steam engines that lagged for steam here and there.

Q I suggest that the human defect is present there as elsewhere?

A And coal quality varies; lots of things enter into it.

BY THE CHAIRMAN:

Q I do not follow that. Do you mean that the stoker worm would be working but not working fast enough?

A No, sir. The occasion to which I had reference, the fireman was getting the fire box banked up at the back with the stoker and because he was not having any success with the operation of the stoker he would stop it and he went back to hand-firing. He thought he could get his fire in better shape faster with a shovel than he could by messing around with a stoker and a poker.

BY MR. LEWIS:

Q We agree, I gather, that that would not happen very often, but only when the stoker was not functioning so well or when the fireman did

not know how to work it very well?

A Well, probably a combination of some of those things.

Q I am also instructed -- I do not know how expert you are in this -- that in the case of both a stoker engine and an oil engine the fireman would do his firing, as it were, mainly by watching the colour of the smoke stack?

THE CHAIRMAN: The smoke coming out of the stack, you mean?

BY MR. LEWIS:

Q Yes, the smoke coming out of the stack?

A He would get some indication from that, yes.

Q I am instructed by men who have done it that he would spend most of his time looking forward and watching that because the gauges inside the cab would not be half as useful to him as the colour of the smoke coming out of the stack?

A I do not know that that is true. We have instructions that limit the time a steam engine can make black smoke, for instance, that is limited. If he was measuring the efficiency of the fire by the amount of black smoke he was making --

THE CHAIRMAN: He might get into trouble with some bylaws.

THE WITNESS: I question that as a barometer, I think the gauges and the manner in which the engineman is working the throttle, knowledge of the

road and such things wwould be more inclined to dictate how he tended the water and his fire.

Q I am not the least bit competent to deal with this and I just wonder whether you feel you are, to say positively that my instructions by men who have fired are wrong, and that in stoker and oil engines they would be looking an overwhelming proportion of the time they would be looking forward, because the smoke coming out of the stack was the best guide they had to the quality of the fire?

A Well, they might get some idea out of it. I never fired an engine myself and I expect there will be other witnesses following me who will be able to answer that better than I can.

THE CHAIRMAN: You had in mind both coal and oil?

MR. LEWIS: Coal in the case of a stoker.

THE CHAIRMAN: In speaking about the smoke from the smoke stack?

MR. LEWIS: Yes. It would be both.

BY MR. LEWIS:

Q You also referred to the time occupied in sanding an oil engine?

A Yes.

Q Do you know when this sanding would be done, when you would put the sand in?

A About every 30 minutes.

Q Are my instructions correct that you would sand it only when the engine was pulling hard and sort of at full speed?

A You would certainly put the sand in when the engine was working, yes.

Q As a matter of fact, I am instructed you would not sand while going through towns or villages or anything like that?

A You would get awful unpopular with the natives if you did because the sand usually comes out the stack like rockets.

Q The sand is really there to cut away the carbon and comes out the stack?

A It clears out the impurities from the combustion.

BY THE CHAIRMAN:

Q The sand is injected right in?

A It is put through the face of the boiler with a small scoop like a sugar scoop.

Q What is the purpose of it?

A It is like sand blasting. The carbon deposits of any non-combustible residues that might be in there, and it all goes out the stack.

BY MR. LEWIS:

Q I am also instructed, Mr. Fraine, that in a second or two or three you pour or shake the sand out of a scoop and that is it?

A I will agree with you that it does not take very long to do it.

Q So, it cannot possibly interfere with any

look-out or any other duty the fireman had on an oil-fired engine?

A Well, cumulatively with these other duties of making steam, watching steam production, it would have some effect. In fact, individually it might not have very much.

Q I may turn for a very few minutes --

THE CHAIRMAN: We will have a short recess.

--- Recess

--- After recess

J. N. FRAINE, recalled

MR. LEWIS: Mr. Chairman, I was going to deal with Exhibit 106, but something has been drawn to my attention and with your permission I should like to go back for a moment to this matter.

BY MR. LEWIS:

Q Mr. Fraine, with regard to the look-out duty of the headend brakeman, and the statement that that was his major responsibility. I have been reminded of the fact, Mr. Fraine, that earlier in this hearing I had drawn the attention of the Commission to a general order of the Board of Railway Commissioners for Canada, being General Order 293, which was filed as an exhibit. I do not know the number offhand. I am instructed --correct me if I am wrong -- that that was the first general order of the Board which required that a seat be provided for the brakeman.

MR. SINCLAIR: That is Exhibit 73, dated April, 1920.

BY MR. LEWIS:

Q Is that right; do you know anything about that?

A I know the order provides for it; I do not know whether it is the first one or not.

Q Then I also drew the attention of the Commission

-- I just want to set the background -- to another exhibit, which I imagine would be Exhibit 73-A or perhaps Exhibit 74, dated July 23, 1920, being Order 392.

MR. SINCLAIR: That is Exhibit 73-A.

BY MR. LEWIS:

Q That amended the previous order, Mr. Fraine, namely that a seat be provided for the brake-man. It reads:

"Such seat shall not be located in a position that will interfere with the seating space or seats provided for the engineer and fireman or that will obstruct their view from the side windows."

Do you know anything about those orders?

A Yes.

Q My first question is this: in view of your statement that it was always a major responsibility of the headend brakeman to keep a forward look-out, how could he do that before April 1920, before there was a seat provided for him on the engine at all?

A Well, he was on the engine. My own experience does not go back that far, but I should think that perhaps for part of the time he would be sitting on the fireman's seat when the fireman was shovelling coal.

Q Do you know that or are you just guessing?

A I know that he would do that, yes.

Q Mr. Fraine, I am instructed that before a seat was provided for the brakeman he was not always on the engine at all, he just took himself a place wherever he could find one?

A I think he was always on the engine in my knowledge.

Q And I am told he would frequently be seated on a keg or barrel of some sort, anywhere he could locate the keg or barrel in the cab?

A Yes. Well, in locating the keg or barrel he would either put it in front of the fireman.

Q Or behind the engineman?

A Well, I would not think he would be behind the engineman. He would certainly be in one of the gangways because any place else he would be in the fireman's road and he would be getting off and moving his keg all the time.

Q Let me put it to you this way: would not you agree that for years before a seat was required to be provided by the general order of the Board of Railway Commissioners, for years your railway did not intend the brakeman to have as a major responsibility the forward look-out because you did not even provide any space for him in the engine cab, which would be a permanent place for him to sit or from where he could function?

A My father was in train service in those early days and he told me on occasions that he was sitting on the tank right back of the cab where he could see.

Q I have no doubt of that.

A And he was in communication with the engine crew if he wanted to be.

Q I am suggesting to you that your railway could not have intended the headend brakeman to have this responsibility if they didn't even provide any place for him on the engine.

A On the other hand, it may have been recognizing the fact that the fireman's seat would be vacant much of the time and he could sit there or stand in the gangways.

Q That was the idea?

A I could not tell you about those early days, I was not there, but that possibility struck me.

Q Turning now to Exhibit 106, Mr. Fraine, you suggest that in that exhibit all the numbers 1 to 6 of the duties of firemen in steam are now removed as duties of the firemen in diesels; right?

A That is right.

Q Would you say that is true for part of No. 3, replenishing water and fuel supplies enroute. How about replenishing cooling water enroute on a diesel?

A I have never had a case come to my attention

where that has been necessary. These diesels pretty well operate between terminals and between maintenance points. I would not think that he would do very much in the way of replenishing the cooling water. There might be the very odd occasion, but even if he did that he would be doing it in connection with assisting the engineman.

Q As indeed he would all his other duties except putting the coal in. All the other duties were always those of duties under the engineman?

A Well, he was under the engineman's supervision, but when he was on a steam engine he certainly had a function of his own.

Q He had the function of putting coal in?

A And attending the boiler.

Q Are you now --

A Coal and water.

Q Are you now suggesting that it was not the engineer's duty to see to it that steam was up and that the fuel was right and all the other things connected with the firing of the boiler?

A No, I didn't say that.

Q Those duties were the engineer's responsibility?

A That is right, but the fireman had to do them; that is what he was there for.

Q Under the engineer's instructions?

A Well, to a degree under his instructions,

yes. He was expected to be able to fire the boiler without being instructed by the engineer.

Q He had to learn to do that?

A That is right.

MR. LEWIS: Mr. Chairman, I suddenly remembered that my learned friend said he was going to file copies of the western agreement with the engineers which would set out the duties of the engineers. He said his company had that and my friend apologized the other day for not having it with him.

MR. SINCLAIR: If I said so, I still have not it with me. I am sorry. I may be a little behind in my reading, but I will certainly get it. You want the Western Lines enginemen's schedule, the collective agreement?

MR. LEWIS: That is right, the Western Lines engineer's schedule.

MR. SINCLAIR: I will get that as soon as I can.

BY MR. LEWIS:

Q Then No. 6, maintain cab deck in tidy condition. I think Mr. Justice McLaurin asked you the other day whether he would not still have to do that?

A They are pretty well kept clean by our maintenance forces at the terminals they pass through.

Q You do not think there is any need, there

is no snow or mud or oil gets tracked on to the deck of the cab?

A There might be in very rare cases.

Q Mr. Fraine, I would like with your assistance to go at this a little more thoroughly. I place in your hands what your company calls CS-44. Again I am afraid I will have to rely upon my friend to provide the requisite number of copies as exhibits, but I am ready to file this copy as the exhibit.

MR. SINCLAIR: I think I have copies here.

THE CHAIRMAN: What is the title of it?

MR. LEWIS: It is Canadian Pacific Railway Book of Instructions Pertaining to Movements of Trains, Engines and Cars, dated June 1, 1954, and has an identifying code number I suppose of CS-44.

MR. SINCLAIR: The form number.

HON. MR. McLAURIN: Has that to do with the movement of trains?

MR. LEWIS: Pertaining to the movement of trains, engines and cars.

EXHIBIT NO. 116 -- Book of Instructions
Train, Engine and
Car Movements,
June 1, 1952.

J.W.Fraire

BY MR. LEWIS:

Q Turning to page 16 of Exhibit 116, Mr. Fraire, the heading there is "Pertaining to Diesel-Electric Units", and it has this to say:

"Before each trip on a diesel-electric unit **enginemen** must make the following tests and examinations:

(a) See that the unit is properly supplied with fuel, water, lubricating oil, sand, supplies, tools and equipment..."

Mr. Fraire, dealing with (a), I am instructed that as to water, lubricating oil, sand, supplies, tools and equipment the engineer on a diesel unit requires the fireman to check with respect to all of these things?

A If he does he is under no obligation to because the engineman himself is not required to.

Q The engineman himself is not required to do what?

A To check that these supplies are on the locomotive.

Q But it says so right there?

A Yes, but that has been cancelled by bulletins issued last year, and you will note that this book is dated June 1, 1952. That would mean that in its preparation the preparation would be done probably during 1951 and perhaps even as far back as 1950, and at that time the dieselization in road service was just in its infancy.

J.N.Fraire

Q Are you saying that GS.44, Exhibit 116, is no longer in force?

A The exhibit is in force. It is in the process of revision and by bulletin -- I think it is exhibit --

MR. SINCLAIR: I think Exhibit 114 is the engineman's duties on diesels.

THE WITNESS: Exhibit 114 relieves the engineman of that responsibility.

MR. LEWIS: Exhibit 114 sets out what you say are the duties of the engineman, preparatory and final, and bulletins have been issued by your company to set this up. I was going to ask you about that at a later stage.

THE CHAIRMAN: I have a note on my copy of that exhibit that its source is company bulletins issued in November, 1956.

MR. LEWIS: The bulletin issued in November, 1956, is what I have in mind too.

BY MR. LEWIS:

Q How many bulletins were there?

A That information would be issued in bulletin form on all divisions.

Q On all divisions?

A Yes.

Q That information was issued system wide?

A Yes.

Q And you can obtain those bulletins and file them, no doubt?

J.H.Fraire

A Yes, I think so.

MR. LEWIS: Mr. Chairman, I ask that that be done.

MR. SINCLAIR: You mean a sample of one, do you?

THE CHAIRMAN: Yes, the bulletin or bulletins from which this exhibit is taken.

MR. LEWIS: I imagine that six copies, saying the same thing will mean no more than one copy saying the same thing.

THE CHAIRMAN: That is the usual situation. The same applies to the citation of authorities. One good one is just as good as six others.

MR. LEWIS: IT is a little harder to know which is the good one sometimes.

BY MR. LEWIS: IN that case, Mr.Fraire, comparing page 1 of Exhibit 114 with subsection (a) of section 4 on page 16 of Exhibit 116, the engineman still has to make sure that the fire extinguishers are in place on each unit and seals are not broken? That would deal with equipment, I suppose?

A Yes.

Q Part of the equipment. And that the flagging equipment is on the unit and in good order? That would be part of the supplies referred to in 4(a) of Exhibit 116?

A I would not think it would be supplies. I think that would be equipment probably.

J.M.Fraire

Q Pardon?

A I think that would probably come under the heading of equipment.

Q He would still have to do those things?

A You see, if you look at (c) you will see that it says, "Check that flagging equipment is on the unit and in good order."

Q That is a separate one later on?

A Yes.

Q Now, as to the rest, Mr.Fraire, do I understand you to say that when the engineer or the engine crew take a locomotive at a maintenance point to start on a trip that you no longer want them to assure themselves with regard to the supply of fuel, water, lubricating oil or sand?

A That is right.

Q And who is to do that?

A The shop forces do it.

Q The shop people, and your suggestion is the same, I think, as Mr.Gossage's was, if I understand you correctly, that the engine crew is to assume that the shop staff has done all that and to take the engine out without assuring themselves that all these things are in working order? That is now the company policy, is it?

A I do not understand "working order".

Q Well, that the fuel is there, that there is

J.W.Fraine

sufficient fuel and that there is sufficient lubricating oil?

A Yes.

Q And that the sand is there and all the other things that are required to make the unit function?

A That is right.

Q You no longer want him to assure himself as to that at all?

A That is right.

Q You want him to assume that the shop staff has done it?

A He does not have to assume; he knows they have done it.

Q Pardon?

A He can know that they have done it. He has no responsibility for it.

Q And your company's policy now is that he takes the engine out --

A It is all set for him to go.

Q -- on that basis?

A That is right.

Q It is all set for him to go and he no longer needs to assure himself of that?

A That is right.

Q And therefore, Mr.Fraine, general rule (H) on page 4 of Exhibit 27 no longer applies? Is that right?

J. H. Fraine

MR. SINCLAIR: Rule "I"?

MR. LEWIS: Rule "I".

BY MR. LEWIS:

Q The second sentence of that rule reads as follows:

"They" --

The employees.

"-- must observe the condition of equipment and the tools which they use in performing their duties and when found defective will, if practicable, put them in safe condition, reporting defects to the proper authority."

That rule would no longer apply to an engine crew about to take an engine off a maintenance point or a shop track? Is that right?

A That is right. I don't know that that rule ever did really actually apply under those circumstances, but it would apply to this extent, that he would still be required to do the other things that are set forth here, apply and release hand brake, make sure communicating signal is working, back-up lights, cab lights and so on -- brake, whistle and bell. He has still got to do that.

Q Last November, Mr. Fraine, in effect your company therefore took the prerogative of saying as to which things rule "I" shall still apply and as to which things rule "II" of the Uniform Code shall no longer apply?

J.H.Fraire

A Yes. I think that is quite within our province.

Q It is within your province?

A I think so. We know what we want done. I think we are at liberty to say so.

Q And it is your contention, is it, that you are serving the objects of safety by asking the engine crew to take an engine out on the road without satisfying themselves as to all the matters that are necessary for its proper functioning?

A Everything that is listed there is all that is involved in safety.

BY THE CHAIRMAN:

Q Listed where?

A Under these duties of an engineman taking charge of a diesel locomotive at a maintenance point, Exhibit 114, and all these things are the things that are required for the safety of the operation.

BY MR. LEWIS:

Q You mean that failure of fuel or water or inadequate lubricating oil or failure of sanding equipment or lack of sand -- those things would not apply to safety?

A No.

Q They would not?

A Why would they?

Q Are they not connected with making the engine

J.N.Fraire

go over the road?

A Certainly, but if we have got a man that puts them in and another man that sees he does put them in, I don't know why you should necessarily draw from that that the condition of the locomotive to operate is not safe.

Q What man puts them in and what other man sees they are put in?

A The shop forces put the fuel and lubricants and water and things of that nature, sand, on the locomotive, and it is the responsibility of shop supervisory forces to see that they do it. If you have been to the St.Luc yard, Mr.Lewis, you will have noticed that diesel servicing facility we have there, that on that track approaching the facility there are fuel, sand, water and all the other appliances there, and every unit goes by them and is checked and the appropriate replenishment is made.

Q That is in St.Luc yard?

A That is right.

Q Do you have that sort of facility all across your 17,000 miles of road as well as all yards?

A We have fueling facilities at most terminals now.

Q And I am instructed that sand, for example, is necessary for the proper braking of a diesel unit, a diesel locomotive?

J.H.Fraime

- A There are occasions when you use sand to brake it, yes.
- Q And the absence of sand or an inadequate supply of sand in that case would therefore directly affect the stopping of the train?
- A That is right, but the engineman checks to see that the sand is working.
- Q Where does he do that? Did you find it?
- A Yes sir, under the duties of an engineman when taking charge of a diesel locomotive at an outside point. It is page 3 of Exhibit 114. Item No.13 says: "Test the forward and reverse sanders."
- Q Does he not have to do it when taking it off a maintenance point?
- A That is done by the maintenance forces at the maintenance point. They have to do it in connection with replenishing the sand supply.
- Q And you say the engineer does not have to satisfy himself as to that?
- A He is not required to by that bulletin but it is a very simple matter for him to do so if he wants to.
- Q To go back to page 16 of Exhibit 116, take (c) of section 4. It reads:
- "Check that all valves are in their proper position, open or closed, in the following systems: Engine cooling water system -- "

J.H. Fraine

You would say he does not have to do that anymore? That is up to the shop staff at a maintenance point?

A That is right.

Q And "steam generator system (if applied)", he does not have to do that? Is that right?

- A Only at ^{an} ~~the~~ outside point.
- Q I beg your pardon?
- A Only at ^{an} ~~the~~ outside point.
- Q He has to do it at the outside point?
- A That is correct.
- Q That is No. 9, is it, on page 3 of Exhibit 114?
- A Yes.
- Q Is that right?
- A That is right.
- Q But not at the point where maintenance staff is at work?
- A That is right.
- Q "Lubricating oil system, check it." Does he have to do that at all at the maintenance point or at the outside point?
- A No, not required to do that.
- Q Not required to do it at either place; right.
- Before going further -- I am instructed that the engineers do satisfy themselves with regard to these things and that in all cases they ask the firemen to make the checks set out in "C" of Section 4 of Exhibit 116?
- A They may do it, but they are not obliged to.
- Q They are not required to do it by your company?
- A No.
- Q Not since November of last year?
- A That is right.
- Q But they were before that?
- A To a degree, yes.
- Q What do you mean by "to a degree"?

- A Well, you must understand in this, Mr. Lewis, that the railroad changes from day to day and from year to year, and when this instruction was put out in June, 1952, we did not have the knowledge of these machines that we have now; we did not have the facilities for fueling them and maintaining them that we have now, and in so far as that lubricating oil system is concerned, why, there is no point in checking that after it has just come out of the shop.
- Q But you do not ask him to check it even at the outside point, on page 3 of Exhibit 114?
- A That is right. On the average I think those machines carry about 200 gallons of lubricating oil in the base of the engine and through the engine parts, and there is about 100 gallons added to that a month. We operate a control system on it and at all our primary maintenance points we have a lab. Samples of the oil are taken when the locomotive goes back to the maintenance point and that oil is analysed for impurities, fuel dilution and things of that kind; so we exercise a very careful control of that oil, and to put a bayonet gauge into it and wipe it off like you do in an automobile means to find out if there is oil in there all right, but whether it is done here at the St. Luc yard tonight or at Chalk River makes no difference in the operation of the locomotive.

- Q They had to do this before November, 1956. In your answer you said "to a degree"; what does that mean?
- A Well, it was in this instruction at that time and therefore would have been in effect.
- Q Yes, but you say that some of the things you would not have minded if they had not done them. Is that what you meant when you said "to a degree"? I want to understand what you meant.
- A No; what I meant was that prior to this list of duties being cancelled by the bulletin, or superseded by the bulletin, the engineman did do that.
- Q Yes; I am instructed that he still does it in spite of your bulletin?
- A Well --
- Q I am instructed that it is the fireman on whom he calls to make these inspections?
- A That may be; it is not necessary.
- Q I am referring to paragraph (e) on page 16, under which you require him to check flagging equipment. Do you agree that generally the engineer asks the fireman to do that?
- A Oh, he may, and he may not. I know lots of engineers that do it themselves.
- Q If the fireman failed to check the flagging equipment while he is still there, and something happened, he would be held responsible whether or not the engineer had also checked it. Is not that right?

- A Well, I would hold the head trainman responsible if he got out on the road without proper flagging equipment.
- Q You would not hold the fireman responsible?
- A I think perhaps we might. The man on whom the essential responsibility falls is the head trainman and the engineer.
- Q Even now, while the fireman is there, you are suggesting it is not part of his responsibility?
- A Certainly, it is part of his responsibility, by this rule.
- Q Why did you not say so?
- A That is what I am saying.
- Q Then, you would hold him responsible just as you would hold the engineman and the brakeman responsible, so long as he is there? I am putting those words in for your benefit. So long as he is there you would hold him responsible?
- A That is right. You have to know that you have got flagging equipment on the front and rear of every train.
- Q No, I refer to paragraph (f) on page 16 which reads, "Check that fire extinguishers are in place on each unit and know how to use them." The engineer still has to do that by virtue of No. 4 on page 1 of Exhibit 114?
- A That is right.
- Q I am instructed that is usually done by the fireman?

A I would not argue with that; I think that is perhaps right.

Q I refer now to paragraph (h) on page 16, which reads as follows, "Inspect the generator, engine and other rotating machinery on each unit for rags, tools or other articles which may have been left accidentally near moving parts." He is no longer required to do that, according to your bulletin?

A That is right.

Q Neither at the maintenance point nor at the outside point; is that right?

A Well, it would be unlikely that any of that would be lying around at the outside point. If the engineman takes it in there last night, for instance, and he goes out this morning, there is nobody there to put it on. So if it was all right going in it would be all right coming out.

Q How would you know it was all right going in if somebody had not checked it?

A It would be checked before he left the maintenance point, or where he started from.

Q When he came to this outside point would be check it for those rags and so on?

A It does not say so.

Q Before he went off the engine as a final preparatory?

A No, I would not think so.

Q You would not think it would be necessary at all?

A No.

Q Is that right?

A Yes.

Q All of these duties I have indicated to you, except those set out in Exhibit 114, you say are no longer in force?

A That is right.

Q And your bulletins which will be supplied to us supersede these instructions on pages 16, 17 and 18 of Exhibit 116?

A Well, they set forth the requirements that the company has established for enginemen for preparatory and final time.

Q I want to go to the question of patrolling locomotives in the case of multiple diesel units, Mr. Fraine.

A Yes, sir.

Q First, I think you indicated to the Commission, or maybe it was Mr. Sinclair, I do not remember which of you said this, that all the 1957 present orders that there are when the units are delivered they will have no back gangway that would take one from one unit to another.

MR. SINCLAIR: I think what I said, Mr. Lewis, when I was explaining to the Commission, I think to Mr. Justice Martineau, that from 1957 on the engines would be equipped with the short end ahead or the engine ahead. I did not, as I recollect it, make any statement to the Commission with regard to gangways. If I did, he is quite right. We may

as well clear this up. If I did not say it, I am instructed by the company that so far as 1957 is concerned, unless the road switcher units are equipped for passenger service, they will not have any gangways between the units. Unless they are equipped for passenger service they will not have any gangways.

MR. LEWIS: I thought this had been said the other day.

MR. SINCLAIR: Anyway, that is what I am saying now.

BY MR. LEWIS:

Q That is the company policy. You will agree with Mr. Sinclair?

A Yes.

Q First, if that gangway is there and a handrail with it, as I understand is the case in many of the engines that you now have -- is that not right?

A Yes, there is a handrail on all of them, I think.

Q I beg your pardon?

A I think there is a handrail on all of them.

Q And most of the road switchers have gangways; is that not right?

A The ones that are equipped for passenger service have gangways.

Q Tell me whether that means that most of your road switchers have gangways? I am instructed that that is the case?

A Yes, that is right.

Q As a matter of fact I am instructed that you had about 20 of them a few years ago which did not have the gangway and that your safety people urged that you put a gangway on?

A I do not know about that; I have not seen anything to that effect.

Q You do not know anything about that?

A No.

Q Now, if the gangway is there and the handrail is there, which you say is on all the engines, there is no danger or risk, is there, of going from one unit to another unit in motion?

A Well, there is always a risk in moving around moving equipment.

Q Yes?

A I would think that with a gangway you could get across there reasonably safely.

Q I suppose the only protection that would be necessary is that the train not move too fast, perhaps?

A Well, that would certainly reduce any risk there might be.

Q But if the gangway and the handrail are there you say you can move quite safely from one unit to the other. Now, putting this gangway on diesels on which you have not got it would not be a very complicated or expensive matter at all?

A Oh, I do not know what that would cost. I have

not seen any figures.

Q On this patrolling business, Mr. Fraine, did you have any bulletin requiring patrolling of engines --

A Yes, we had on the Eastern Region at one time a bulletin that required readings being taken in the engine room on the car body types, which required reading --

Q Was the bulletin limited to car body types, Mr. Fraine?

A Well, I think at the time it was put out that that was all that was operating around the territory where it was put out.

Q May we have the date of that bulletin? Do you know it?

A It was not a bulletin actually; it was an instruction that was attached to the form that was used or intended to be used by firemen in recording the indications of certain gauges under certain conditions. It would be somewhere around 1949, 1950, somewhere there.

Q No doubt you can provide the Commission with a copy of those instructions?

A Yes, I think I could find them.

MR. SINCLAIR: Have we permission to do so?

THE CHAIRMAN: Yes.

BY MR. LEWIS:

Q You say that these instructions, as far as you

can remember, were issued in 1949 or 1950?

A Somewhere about there.

Q Have they been withdrawn?

A Yes.

Q When were they withdrawn?

A Well, I do not know that I can give you the exact date of that.

BY THE CHAIRMAN:

Q I suppose you can produce the date when you get the bulletins themselves?

A Yes, pretty much lapsed in actual practice, and they were replaced by a subsequent form some time about year or a little better ago.

BY MR. LEWIS:

Q Some time in 1956?

A Yes.

BY THE CHAIRMAN:

Q Replaced by what?

A Another form that was put on the engines and the requirement of the firemen to do that work was abandoned.

MR. LEWIS: Now, would you be good enough, therefore, to file the instructions and the form to which they were attached, and then the new form which you had to replace the other one some time last year?

MR. SINCLAIR: Yes, we will get that.

BY THE CHAIRMAN:

Q Was the replacement due to some change in the design of those engines?

A No, it was not exactly that, sir. The form required the firemen to read these gauges and when it was put out it was put out in the hope of being able to get some value from the fireman's service because he was on the engine. The subsequent development was that the forms were found to be of no help to the maintenance forces, they did not require them, so they were allowed to lapse and the forms were not made available for use.

BY MR. LEWIS:

Q Do you know when would be the last time in the region over which you are General Manager, when would be the last time that those instructions and forms would be given to the fireman when he came on firing?

A It would something over a year ago, at least; it might be longer.

Q And until that time the fireman was expected to make these inspections and do the patrolling necessary to give you information?

A That is right. We had been, up to that time, trying to get some value for the money being expended, to provide him with something to do, if possible.

Q You said, I think, Mr. Fraine, that in the case of some defect for which there is a safety device, both the light and the bell would go in the lead unit in a multiple diesel consist. I am instructed, it is not very important, but I am instructed the light goes on in the unit affected and only the bell rings in the lead unit?

A Well, the trip I had, the experience I had with the hot engine, very definitely the light on the stanchion opposite the engineman was on; it was quite red. Now, the light in the engine room may not go on; I do not think it does go on. The light goes on in the engine room in which the trouble is.

Q Suppose you had two, three or four diesel units making up the consist of a diesel locomotive and the engineer, while on the road, felt that one of the units was not loading power, as my advisers call it, how would you find out which one of the three or four units was failing to give him the power that it should be giving him?

A You mean it was shut down?

Q It stopped delivering power; how would you know whether it was the third or fourth or the second or third of the units of the consist?

A If it were me, I would look out the window and see what the exhaust was doing.

Q That is the way he would find out?

A He could find out that way pretty readily.

Q I am instructed he could not find out if he stopped or if he were idling he would not be able to find out which of the units had given out; you would agree with that?

A I do not think that is necessarily so. He stops, and there is nothing to prevent him from setting the brake and revving up the engines and going back, and he could quickly find out which engine was idling.

Q It is your opinion that he could find out which one of these diesel units was failing to deliver the power while he is stopped, is it?

A Well, I do not know that I am capable of giving you a proper answer on that other than what I have said.

Q I am instructed by engineers working for your company that they can only find that out if their throttles are in the eighth position?

A I would like to know, just there, are you talking about after the operation of a protective device?

Q Yes?

A Well, if the bell has rung and the light is on, he would know which one it is.

Q Suppose you assume for the moment that the

light does not tell him which of the four units has conked out, to use a street word; it just tells him one of those has gone.

THE CHAIRMAN: Is that the system?

MR. LEWIS: I am instructed that is so. There is nothing in the bell or light, if the light does go on, to say which of the units of a consist of three or four has gone wrong. It just tells them that one of them has -- this is a long question -- even without a light or bell, he would know by the pull that one of the units was not delivering power?

THE WITNESS: Well, if one of the units is not delivering power, if the engine is idling, he could very readily determine that by looking back out of the window.

BY MR. LEWIS:

Q Suppose one of the units I am talking about, for the moment, instead of dying down completely is delivering less power than it should deliver, its power is reduced but it is not completely killed?

A I do not know what circumstances would cause that.

THE CHAIRMAN: What is the question now?

MR. LEWIS: That the unit had not completely lost its power but was delivering power at a lesser rate than it should be delivering --

THE CHAIRMAN: Then what?

MR. LEWIS: We were asking the witness to tell us how could the engineer know which one of those units it was?

THE WITNESS: I question what advantage it would be to him to know because it is highly unlikely he would be able to do anything about it.

THE CHAIRMAN: What advantage would it be to him to know that one, I wonder, was not delivering any power?

THE WITNESS: Well, if I understand the situation to be a protective device, then he could ^{restore} ~~repair~~ that, but if something else has occurred, and at the moment I cannot visualize what it might be, then the repair of it is not his responsibility. He is not expected to do anything about it. I am satisfied he would immediately get on the telephone and request advice and assistance. If he had a consist of four units I would think he would probably keep on going with three.

BY MR. LEWIS:

Q I have been given, Mr. Fraine, two examples and I hope I can make myself understood by you. First, I am instructed that in the winter of 1955-56 your company had a considerable amount of trouble with the fuel line being clogged or the filter, rather, being clogged, so that the fuel was not feeding properly, is that right?

A I do not know whether they had a considerable amount of trouble or not, but when alcohol is

is not added to this fuel line there is a tendency in severe weather for clogging to occur, yes.

Q I am instructed it occurred to some extent -- let us not argue about the amount -- in the winter of 1955-56 in particular?

A Well, it could be.

Q And that would result in a lessening of the power delivered by the unit thus affected, rather than its dying out altogether, is that not right?

A I would think if the engine was starved for fuel it would not develop its whole capacity.

Q How would the engineman know as to which one of these three or four units had reduced its delivery of power for that reason?

A Well, I am not sure I can answer you on that.

Q I suggest to you he could not know it if he stopped?

A I do not know about that, either.

Q I suggest to you, in order to find out, he would not only have to be in motion but someone would have to go back and inspect to see what was wrong?

A Well, that could be; I do not know the answer to that.

Q Finally, I suggest to you in the winter of 1955-56 and even today if it happened, that is exactly what is done, that the engineer sends the fireman back to see what is wrong?

A Well, he may do.

HON. MR. MARTINEAU: In such an occurrence would the bell ring?

MR. LEWIS: I am instructed that the bell would not ring in the case of a clogged fuel line.

THE CHAIRMAN: And when such an occurrence takes place, what, if anything, is done or can be done about it?

BY MR. LEWIS:

Q I will come to that now. I am also instructed in some cases where stopping would be inadvisable the engineer instructed the fireman to remove the filter, if that is what was clogged, for a few miles and go without a filter so as to get to the next point where something could be done about it?

H-2 A That might occur on the odd occasion.

Q Another example I have been given, and this still has me a little stumped, is that a diesel unit cannot make transition -- perhaps you know what it is. Do you know what making transition is, and I would be grateful if you would explain it instead of my having to try?

A I know what effect it has, but I am not going to explain it.

Q What is the effect of it?

A The effect is the same as you get when you shift gears in an automobile.

BY THE CHAIRMAN:

Q What is that?

A You get more power if you drop down -- I do not know the names of these things, but it seems to me I have heard them speak of series parallel and series, and it is the way in which the traction motors are coupled together to develop greater power.

Q I was not asking you for that. You say when this occurs it is the same as changing gears in an automobile. By reducing the gears on these engines, the engine is able to speed up more, is that it?

A It would be like -- the lower transitions are used for lifting the train, and as your speed increases transition occurs so you go faster. To a degree, it is similar to an automobile in that when you are in low gear you start off and as you increase speed you can increase the gear ratio.

BY MR. LEWIS:

Q It is similar to the effect produced --

A Yes, the one is done by electricity and the other mechanically.

Q Having got that explanation, I am instructed that quite frequently one of the units does not make transition when you start so you do not get the tractive effort from the tractive power that you want out of a unit. Do you know about that?

A Well, I do not think it happens quite frequently.

A But it does happen?

A It may happen once in a while.

Q I am also instructed when it does happen the engineer cannot know in which unit it happens because there is no alarm. Is that right, there is no safety device in relation to it?

A If he had two units, I do not know whether he might not be able to tell from his own load meter whether the unit he was on was developing power.

Q And so by elimination he would know the second one was not or was?

A That is right.

Q Suppose we agree on that, but if he had three or four units he would not know?

A No, and the majority of our operation is two-unit.

Q Well, we were given by Mr. Gossage to understand that quite a number of your operations in the Pacific Region are three and four units, Mr. Fraine?

A That is right.

Q And in the case of three or four units he would not know which unit it happened, unless someone went out to see?

A Well, I would not know about that, Mr. Lewis.

Q You would not know about that?

A No.

Q Then, I do not know whether you would know about this, but I am also instructed that in many cases when it happens the fireman or engineer can correct it by shutting the engine off and putting it on again, and this added attempt to put it on gets the transition where the former attempt had not taken. Do you know about that?

A I will accept that, and accepting it, then if the engineman was just starting, there is no reason why he could not go back and do it himself.

Q My instructions, Mr. Fraine, are that he could not know?

A Then he could do it --

Q Just let me finish, you have anticipated me; let me finish my question. I will get your answer, but let us do it so the record will amount to something. I am instructed that he cannot know that one unit had not made the transition unless he is in motion. Your suggestion, as I understand it, is that he stops and does it to every one of the units in order to be sure he catches the ones that is wrong.

A Your example was he was starting up, and I say under those circumstances there is nothing to stop him from stopping and going through that routine.

BY THE CHAIRMAN:

Q Could it happen on any other occasion except when starting?

A I do not know that, sir.

BY MR. LEWIS:

Q I just inquired and I am instructed it happens most often while you are en route?

A Well, if you could get it moving, I would get it moving; if you cannot, you stop and fix it.

Q These things that could happen and that could be found out by patrolling, you say that the patrolling is still unnecessary?

A That is right, Mr. Lewis.

Q You are not interested in having these things found out while you are in motion?

A No sir.

Q And you are not interested in the fact that the engineer unless the train was in motion cannot know which unit was affected by these things I have given you as examples; you are not interested in that either?

A Our position is that these things you have been discussing are sufficiently infrequent as not to jeopardize the over-all operations. We are satisfied to have the engineman go to the next station where he can, or where it is convenient, to get it corrected. If he cannot do that, he can stop where he is.

Q I have just one more question on this point. Has your company given consideration to the question as to whether it might not be advisable to train the helper a little more in diesel motive power rather than to get rid of him altogether?

A I think the experience has been that there is nothing that he can do with the locomotives. It is a job for a craftsman, a man who has served five years of apprenticeship learning a trade, either as an electrician or mechanic. Much of the work that has to be done is bench work. A man cannot even repair it on the unit. When it gets in they take it off and they have these large rooms where everything is extremely clean because the introduction of a little bit of dust

or lint or anything like that has an effect on the functioning of the part or parts.

Q So you do not think there is any way in which you could make the helper more responsive to the needs of the diesel engine on the road?

A No sir. We have tried that and the result has been that it just does not help the over-all operations. I should perhaps say -- I mentioned it earlier this morning -- that in the movement of trains over the road the delays that might be occasioned by these occasional things are not unlike the delays and slowdowns we had with steam power when they were not right up to full steam capacity, and that was from time to time and here and there. There is not too much difference.

--- The hearing ajourned at 12.35 p.m. until 2.10 p.m.

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Monday,

April 1, 1957

K-1

AFTERNOON SESSION

--- The Commission resumed at 2.10 p.m.

J. N. FRAINE, recalled,

EXAMINED BY MR. LEWIS:

- Q. We were discussing the training of the train crew, Mr. Fraine, and there were a couple of points I forgot to ask you. Is my information correct that the junior man on the train crew is the head end trainman?
- A. That is usual; usually the junior man rides the engine, but there are exceptions to that. I have seen conductors, when they start out with a new man and they know he is a new man, they keep him in the caboose until they have a little time with him.
- Q. You say the junior man would be on the engine?
- A. Yes, that is right. But in some territories they trade off about half way over the subdivision, so you have a senior man there part of the time and a junior man there part.
- Q. When we were discussing Exhibit 114 and the duties of the engineman at maintenance points, I recalled during lunch hour -- and you will correct me if I am wrong -- you said there were only four maintenance points, or was that four major maintenance points, or what was it?

- A. I think I said there were four primary maintenance points.
- Q. They were Montreal ...?
- A. Montreal, Chapleau, Calgary and Nelson.
you
- Q. And/were planning one, or there was a possibility of one at Winnipeg and one at Toronto?
- A. I believe plans are under way for one at Winnipeg, and there probably will be one at Toronto, or at any other maintenance point to which Exhibit 114 would apply. Exhibit 114 would apply at any point where there was a shop staff employed.
- Q. Would there be many points at which shop staffs are employed?
- A. There is a shop staff employed at practically every subdivisional point we have.
- Q. Pardon?
- A. At practically every subdivisional point we have there is a shop staff employed.
- Q. You have some maintenance people there?
- A. Servicing people, yes.
- Q. Servicing people?
- A. There is a locomotive foreman, in some cases there may be a fitter or two, depending on whether there is still steam operating there or not.
- Q. You mean a fitter would depend on whether there is still steam operating there or not?

A. Not necessarily; but the number of people would depend on whether there was steam there or not. If they normally turned diesel locomotives there, they might have a man or two more than if it was just where the machine went through. It varies according to the requirements.

Q. Mr. Fraine, it is your contention, is it not, that the fireman or the helper, which is the better word for a fireman on a diesel unit, can serve no useful purpose in look-out?

A. No, what I said is he is not required for look-out.

Q. And I suppose your contention is you don't need him for it?

A. That is right.

Q. Mr. Fraine, I have instructions here, and I would be grateful if you could look this matter up, or have someone look it up, about an incident which occurred on March 6, 1957, with train No. 801, leaving Toronto on the way to Hamilton?

A. Yes.

Q. I suppose you have not heard of this incident?

A. I don't know what you are speaking about yet. That is a passenger train, incidentally.

Q. Yes. I am instructed that the helper on that train was able to warn the engineer

about a C.N.R. engine which had started a movement.

THE CHAIRMAN: Where?

MR. LEWIS: Apparently around Bathurst Street, on the way out of the Union Station to Hamilton.

BY MR. LEWIS:

Q. And I am also instructed there was some contact, but very little damage was done as a result of the warning which the engineer had received from the helper. Does that recall anything to you?

A. I recall that there was such an incident, but I have not seen the full particulars of it. I do know that at that location when two movements start up at the same time, if they do, that there is a warning siren, and as soon as that siren goes anyone that can hear it should stop doing what he is doing.

Q. The engine was coming from the left-hand side, so that only the helper could see it; he did see it, and warned the engineer. Train No. 801, you say is a passenger train?

A. Yes.

Q. Perhaps you could look that incident up. I am instructed that your engine was No. 8468, diesel unit, and that the C.N.R. engine was No. 3469.

MR. SINCLAIR: Diesel?

MR. LEWIS: It does not say whether it was diesel or not.

BY MR. LEWIS:

Q. Have you known of any incident of fire occurring in one of these units in a multiple diesel consist?

A. I don't know that I could recall actual incidents; I have heard of the odd occasion.

Q. You have heard of the odd occasion when there has been a fire?

A. Yes.

Q. In spite of the fact that there has been an odd occasion when a fire has occurred you do not think there is any useful purpose to be served by patrolling the engines, which gives you a chance to find out about it sooner?

A. No, I do not think so. It does not seem to me that with the number of them that have occurred the expense would be warranted.

Q. So that the fire would go on until it became so great that the engineer himself or someone could see it without patrolling; that, you think, would be sufficient from your point of view?

A. Based on the record. I am not aware of any circumstances where there were very

serious or alarming fires.

Q. What do you mean by that, where they were stopped because they were discovered early? Is that what the record shows?

A. Well, as I say, I do not have any recollection of very many of them. I have heard of one or two. We had one recently, as a matter of fact, on one of our passenger trains where some of the wiring in the unit had its insulation charred and made quite a lot of smoke and so forth.

Q. As a matter of fact, you were informing the Commission the other day that the rubbing off of the insulation on the wiring might cause a ground relay, or was one of the causes of a ground relay?

A. Yes, that could be.

Q. And the same thing might cause a fire, is that fair?

A. It might.

Q. You say you have had some incidents of fire. Would you by any chance keep those incidents separate in your records?

A. Well, they would be in the record if there had been a fire.

Q. Would it be very difficult to file the records with the Commission regarding incidents of fire in diesel units?

A. I will see what can be found on that.

MR. SINCLAIR: For what period?

MR. LEWIS: You only started your road diesel operation in 1949, and your yard diesel in 1944. I think we ought to have them as far back as the company's record would permit you to find them.

MR. SINCLAIR: If you would say what date -- you say we go back to 1949, and there is no question about that ...?

THE CHAIRMAN: Apparently that is the request.

MR. SINCLAIR: From 1949 to 1956.

BY MR. LEWIS:

Q. I have instructions, Mr. Fraine, and I mention one incident in particular, that happened on August 23, 1956; I am afraid all I can give you on that, if I may Mr. Chairman, is that the engineer was J.C.Ovell, and he was pulling 80 cars?

A. I am afraid I can't identify it from that information.

Q. And at crossings, Mr. Fraine, you informed the Commission that it would be too late for anything to be done, even if it was seen that a car was about to cross the track?

A. That is my experience.

Q. And is it your experience that even slowing

the train down, if the car is seen in time, is not preferable to maintaining its speed?

A It is natural when the head end crew on the train see a car approaching a crossing when the train is approaching the crossing and they reach the conclusion that the car is not going to stop, invariably they take action to stop the train. But the effective reduction in speed that they are able to accomplish is limited because usually at the time that you are in a position to know or to feel that the car is not going to stop clear you are so close to the crossing that the effect of brakes would not be felt.

Q. Would it be fair to put it this way: The effect of your brakes would depend on whether the approaching car was seen soon enough, and its speed judged soon enough, would that not be right?

A. But you get back to this point -- I would refer to the exhibit I had the other day, Exhibit 112, which shows that an automobile travelling 50 miles an hour requires approximately 166 feet in which to stop, if everything is perfect. So, when the car is, we will say 150, 160 or 200 feet from the crossing, travelling at 50 miles an hour, it just is not possible for anybody to do anything.

Q. If I understand you, and you will correct me if I am wrong, you are saying that if the person travelling on the road is not sensible enough to slow down and stop, if necessary, there is nothing the engine crew can do even if they should look out carefully and see the car early enough?

A. They can repeat the whistle signal, unless the whistle is still blowing.

Q. As a matter of fact, Mr. Fraine, I was instructed, and I have since seen it in Exhibit 27, Rule 14, beginning at page 20, says at page 22 that when approaching public crossings and grades you have two longs and a short and a long - that is what it says, if I remember the hieroglyphics correctly?

A. That is right.

Q. I direct your attention to "P" on page 23: Alarm for persons or animals on tracks, succession of short sounds?

A. Yes.

Q. I don't know whether you know this, but I am instructed by engineers, Mr. Fraine, that frequently if a car is approaching and if it is not slowing down, and the fireman so informs the engineer, he will change his whistle sound from "L" to "P",

and that is often enough to stop a car or slow it down.

A. I think that is what I said the other day. All the engine crew can do -- and the crew on the engine includes the head trainman, the engineman and fireman, isto sound the statutory signals. If you look at Rule 31 on page 36, it says: "To be prolonged or repeated according to the speed of the train" and they do use the succession of short sounds on occasions, yes.

Q. And when the car approaches the crossing from the side opposite where the engineman is situated, I suggest to you that the eyes on that side of the engine would be of great help in either avoiding or lessening the effect of an accident?

A. Yes. I don't know that they can lessen or avoid it; there may be occasions when they can. But on that side of the engine in freight service at the moment we have four eyes, not two, and we operate passenger trains at much higher speeds with only two eyes on that side.

Q. Your answer, as I understand it, is the head end trainman would do the look-out?

A. Yes, he often does - that is, as far as warning the engineman about an approaching

car on that side of the track.

Q. That brings me to the next point I want to discuss with you. Am I right in suggesting to you that crossings frequently occur as you approach stations and leave stations?

A. You mean they are in the vicinity of stations?

Q. Yes, in the vicinity of stations.

A. Yes, that is right.

Q. Is the head trainman always on the engine in the vicinity of stations?

A. In freight service?

Q. Yes.

A. When the train is moving over the road.

Q. You say, when the train is moving over the road?

A. Yes, he is there.

Q. When you say moving the road, I assume that excludes switching or doubling movements?

A. Not necessarily. In switching movements I would expect to find him on the ground or on the front of the engine, or the rear of the engine, depending on the requirements of the operation.

Q. Would you not expect to find him on the ground if you have to double up a train?

A. Well, you might find him on the ground when he was cutting off the portion that he was doubling.

Q. Suppose you had a train of 60 or 70 cars, Mr. Frairie, and you had to double it up -- 30 cars on one track and 40 on another?

A. Yes.

Q. Then all your ground crew would be on the ground, would they not?

A. That is right.

Q. For the purpose of clarity, let us go through that: Firstly you would have the rear end trainman at least 1,000 yards behind the train, flagging, is that right?

A. Yes, that would depend on the circumstances; he could be 2,000 yards.

Q. I said at least 1,000 yards.

A. Yes.

Q. He would be at least 1,000 yards away flagging?

A. Not necessarily. In block signals he would not necessarily be that far.

Q. You mention block signals: I was going to ask you about that a little later, but let me ask it now. How much of your 17,000-odd miles of road have block signals now?

A. It would be roughly 3,100 miles - in that neighbourhood.

Q. Where there is not block signals, Mr. Frairie, am I right in suggesting to you that the rear end trainman would be out flagging?

A. As prescribed by the rule, yes.

Q. Am I right in saying the conductor would be protecting the train, whatever the consist of cars might be that remained on the main track?

A. Yes, he might be. On the other hand the trainman might have put down the protection.

Q. You mean the trainman would put down a fusee, or flag, or something then come back and protect the standing train?

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Follows)

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A No, the rule requires --

MR. SINCLAIR: That is the last paragraph on page 57.

THE WITNESS: (Reads)

"When for any reason a portion of a train is left on the main track every precaution must be taken to protect the remaining portion against the returning movement. Conductors, enginemen and pilots, if any, are responsible for the safety of the movement. In the absence of conductor at head end of train when movement is commenced the engineman will arrange for the necessary protection."

BY MR. LEWIS:

Q I do not quite follow you there.

A You said he would be there.

Q It says "every precaution must be taken to protect the remaining portion against the returning movement"?

A Yes.

Q Let me put it to you this way: It is usual, is it not, for one of the train crew, usually the conductor, to stay with the remaining train to protect the returning movement?

A Not necessarily; it is not necessary.

Q Is it usual?

A Under the rule.

Q Is it usual in practice, Mr. Fraine, or do you know?

A I know, yes I know, Mr. Lewis. The practice varies, depending on what is being done. If, for instance, the front portion were being doubled by the head trainman, he might under some circumstances get off and make the cut, leave a lantern on the forward end of the car if it required to be left there, and put his torpedo down and proceed with the forward portion of the train to double. Under other circumstances the conductor might come up and make the cut, leave the protection, and ride in with the double.

Q But you do not agree that it is usual for one of the crew to remain to protect the returning movement?

A It may be under some circumstances and other circumstances it may not.

Q The head end trainman, you say, travels with the 20 or 30 cars; where would he be?

A Well, he might be a number of places. He might be on the tail end car, where he might cut, and he might be on the engine.

Q I suggest to you, or at least my instructions are, that he is usually at the tail end?

A Well, he has got to be up to the front end some time because he has to cut the engine off the cut, so whether he walks up after he gets up, or walks up after backing up, that is up to him, but he has to be at the engine to cut, to let the engine off.

Q He could be somewhere on the side steps of

the engine, I suppose?

A I would say this, Mr. Lewis; if this is what you are leading to -- if there was no fireman on the engine I would say that the head trainman would be on the engine, right in the cab.

Q Right in the cab?

A Yes.

Q To receive signals from the conductor?

A He would not necessarily receive signals from anybody. He would go back and make the cut and come back to the engine and get in the cab and proceed to where they were going to make the double, and he would get out and open the switch. If there was a road crossing he would protect the road crossing until the engine went over it. He would cut the engine off, set his hand brakes, and take the engine back to the train.

Q That would be his job if the firemen were not there; you would require him to go into the engine to do that?

A I think most of the time he will get in the cab anyway. It depends how far he has to go and what the weather is like.

Q But at the same time he does not usually do that?

A He may stay out on the tail end of the cut, but in any event he has to get up to the engine before they set the portion of the train off.

Q Sometimes?

A Yes.

Q To cut the engine off?

A That is right.

Q And be taken back to the train that was left on the track?

A That is right.

Q In switching movements the head end trainman would not be in the cab, would he?

A Not when they were switching, I wouldn't think.

Q He would be there carrying out his ground duties?

A That is right.

Q During the movement, as well as during the doubling, at the present time the engineer would be alone in the cab if the helper were not there?

A That is right.

Q Is that right?

A That is right.

Q What about as you are approaching a station or junction? The requirement of Rule 90 at page 49 is this:

"-- when practicable, exchange signals when approaching and passing stations."

I will go further back:

"-- and enginemen will see that trainmen are at the front and rear of trains (in cupola of caboose where provided) in position to observe the safe operation of trains and, when

"practicable exchange signals when
approaching and passing stations."

They have to do that?

A Oh, yes.

Q And in order to do that I suggest to you the
head end trainman would have to be looking back
as you approached the station?

A Well, the effect of that rule is this, Mr. Lewis:
At points where it can be done, both the head
end man and the rear end man know these points
where it is possible to see ahead or where it
is possible for the head end to see the tail
end, and it is only a matter of a glance to look
back and get that signal and acknowledge it.

Q During those seconds he would have to be looking
back, whatever time it was that it would take
him?

A That is right.

Q That would precisely when you are approaching
the station or junction?

A Well, you can be approaching a station or
junction for some miles, as far as that is con-
cerned. There are lots of these places where
they exchange signals where they are two or
three miles from the siding, exchange signals
two or three miles.

Q When they are that far away from the siding?

A Yes. In some cases -- there are subdivisions
where they are operating on them today and where
that exchange of signals can perhaps be

accomplished three or four or five times.

Q Three or four or five times during the subdivision?

A Yes, and sometimes it is not within a mile of a station.

Q That is a trainman's specific duty, to exchange those signals?

A That is right.

Q It is his duty, is it not, as a rule, to take the orders which are handed up on the loop en route?

A He takes them off usually.

Q And he may have to do that on the left side or on the right side, depending on which side the station is?

A That is right.

Q And in order to do that on a diesel he has to lean out or stand on the outside board or something of that sort?

A It is quite simple on a diesel engine, more simple than it was on a steam engine. You can get on the running board and get a good firm hand hold. It is a lot simpler on a diesel than it was on a steam engine, although on a steam engine it wasn't too difficult.

Q And then his attention is on obtaining that order, is it not?

A That is right.

Q With regard to block signals which are on the left of the track -- there is a stretch from

West Fort William to Molson, Manitoba?

A Yes sir.

Q And then I am told that that is also the case in the Connaught Tunnel?

A I believe that is right. They run to the left there.

Q The stretch there, I am told, is about five or six miles?

A I think the tunnel is five ~~or six~~ miles, perhaps a little bit more. Between five and six miles of double track.

Q Between five and six miles?

A Of double track, something in that order.

Q That is for block signals, but the order boards, Mr. Fraine, they may be either on the right side or the left side anywhere across the system?

A That is right.

Q I am told they are as frequently on the left side as you find them on the right side?

A Well, they are usually on the same side as the station although there are variations.

Q And as you approach a station and the order board -- you correct me if I am wrong -- you have the head end trainman having to exchange signals with the rear; you have the head end trainman having to receive the orders, if any are going to be handed to him; right?

A I do not follow that; I do not agree with that.

- Q Does he or does he not, as you approach a station, have to exchange signals with the rear?
- A That is right, but he does that at any time he can do it, and he can do it anywhere to a mile before the station, half a mile, or a quarter of a mile, then he picks up the orders.
- Q And if there is a curve approaching the station -- there are some cases where that is the case?
- A Yes.
- Q Then it would be his duty to make a running inspection as well?
- A Well, it would if that were the place where he normally made a running inspection.
- Q Suppose it were; there are lots of places, are there not?
- A I indicated I had just made these trips on ten subdivisions in the cabs of locomotives and I never saw a trainman all of that time making a running inspection when he should have been looking at the train order signal, or I did not see him trying to exchange signals, or I did not see him trying to do any of these other things, that is, exchange signals or inspect the train when he should have been on the running board picking up the hoop. Each goes into its own compartment.
- Q I will come to your Exhibit 107 in a few minutes. All these things he has to do at one time or another approaching a station?
- A That is right.
- Q And you now want him to be the only eyes on the

left watching for crossing or to see the order board or anything else that is connected with a lookout about and around a station?

A Well, to say that that is not safe is to say that our passenger train operation, as it has been over the years and is now, is unsafe, and I just do not agree with that.

Q Mr. Fraine, I was not suggesting to you one thing or another about it, but in your passenger operations is the fireman charged with any of the duties that we have just discussed that the trainman has? Does he exchange signals?

A No, he does not exchange signals but he makes a running inspection of the train on his side and the engineman does it on his side.

Q All the crew are required to do that; he is required to do that?

A Yes, but he does not exchange signals. He does not worry about the order loop; that is done by the trainman.

Q On the passenger train?

A No, the order is picked up on the engine on the passenger train. If it is on the engineman's side, he gets it; if it is on the fireman's side, he gets it.

Q The fireman would do all the things that your head end trainman on a freight train has to do; is that what you are suggesting about the fireman on a passenger engine?

A What do you mean, all the things he has to do --

when a train is moving over the road?

Q Yes?

A He has to look ahead to the extent he is able to. He picks up orders on his side and makes a running inspection of the train as it goes along.

Q But you also have a train crew, although they are not on the engine, which carry out those responsibilities?

A No, they do not carry the responsibilities for a forward lookout on a passenger train.

Q They are not there to do it?

A No.

Q Where do they trainman and conductor ride, in the passenger car?

A That is right.

BY THE CHAIRMAN:

Q Do I understand that on a passenger locomotive there is just the engineer and fireman in the cab?

A That is right.

BY MR. LEWIS:

Q The conductor and the trainman ride in the passenger equipment, is that right?

A That is right. There may be the odd occasion when the trainman moves up there, when he is going to ~~pull~~^{set} a switch for a meet.

Q About this running inspection. Did I understand you correctly to say the other day that that is as much the responsibility of the other members

on the engine as it is of the trainman?

A That is what the rule says.

Q Which rule is that?

A Rule 111.

MR. SINCLAIR: Page 65, Exhibit 27.

THE WITNESS: They do when other duties will permit. Pardon me, that is not the running inspection.

BY MR. LEWIS:

Q That is when other employees standing around have to watch; is that right? That is the first paragraph?

A It is the **third** paragraph on page 66:

"Trainmen at rear of moving trains must frequently look back at the track to see if there is evidence of dragging equipment.

Conductors and trainmen must know that cars in their train are in good order before starting and inspect them whenever they have an opportunity to do so. All cars taken in their trains en route must be examined with extra care.

When practicable, employees of a moving train must make frequent inspection of their train to ensure it is in order, and when a freight train stops a trainman will be in position to inspect the train as it pulls by."

Q May I direct your attention to the preceding two paragraphs:

"Trainmen at rear of moving trains must frequently look back at the track to see if there is evidence of dragging equipment."

That does not apply here.

"Conductors and trainmen must know that cars in their train are in good order before starting and inspect them whenever they have an opportunity to do so. All cars taken in their trains en route must be examined with extra care."

The reference in that paragraph to inspecting them whenever they have an opportunity to do so is to conductors and trainmen, is it not?

A Yes. That refers to a standing inspection, when the train stops. The train crew performs a standing inspection.

Q Where does it say a standing inspection, Mr. Fraine? I don't want to argue with you but where does that paragraph make any reference to standing inspection? Isn't this right, neither the paragraph I have just read to you nor the paragraph you read earlier, the paragraph which follows, make reference either to running or standing inspection?

MR. SINCLAIR: I don't know, you do not want to argue with the witness. Maybe you want to argue on the interpretation of the rule. I think it is clear.

THE WITNESS: I can say this, that the application of that rule, the paragraph that you have referred to "Conductors and trainmen must know that cars in their train are in good order before starting..." that certainly is when they are standing -- "and inspect them whenever they have an opportunity to do so....." -- that must mean when they have a meet or something that requires a stop: "All cars taken in their trains en route" must refer to the train being stopped. That paragraph refers to standing inspection and that is the way it is to be applied.

BY MR. LEWIS:

Q I am instructed that is not the way it is applied?

A Anyone that has instructed you that that is not the way it is applied is incorrect.

Q I want to tell you that if you take the meaning of the third paragraph of your rule it is that the first responsibilities are inspections of

the trainman and conductor and the other employees have a joint responsibility as have all members of the crew?

A That is right, the engineer and fireman, their responsibility in the inspection of the train is limited to running inspection, a joint responsibility.

Q And I therefore suggest to you that the running inspection by the head end trainman as one of his main responsibilities is distinct from the mere joint responsibility carried by the fireman and engineer?

A Well, he usually is -- the only difference is that he has both sides of the train. Depending on the circumstances where it is applied where running inspection has not been carried out, this usually involves the assessment of equal discipline to the people involved, whichever side of the train is involved. If it is at the head end it is a joint responsibility.

Q And now you assess the same discipline to the fireman and the engineman to that as you do to the head end trainman?

A Usually.

Q If I may, Mr. Fraine, I must insist on knowing what you mean by "usually"? Do you mean in the majority or minority of cases, or what?

A Well, that is my recollection of it. If a journal has been burned on the left-hand side

of the train you may see on the educational bulletins or the ~~instructions~~ ^{discipline reports} that the head trainman or the fireman have each got ten demerit marks for responsibility for a burnt journal because they could each have seen it, particularly with diesel engines. That is all they are doing.

Q You say it is usual for the fireman to get as high a discipline as for the head end trainman if the burnt journal is on the fireman's side of the train?

A With a diesel locomotive, it is.

Q Oh, it is now limited to a diesel locomotive; it is not so if it is a steam locomotive?

A That would depend on circumstances and that is why I don't want to generalize with respect to steam locomotives, but my recollection is that we apply that assessment equally to a fireman and a head trainman on a diesel locomotive.

BY THE CHAIRMAN:

Q May I ask something arising out of that. The third paragraph on page 66, the last part of it says:

"--- and when a freight train stops a trainman will be in position to inspect the train as it pulls by."

I suppose that duty almost always has to be carried out by the rear end trainman?

A That is right, or the conductor, or both.

BY MR. LEWIS:

Q Mr. Fraine, the Chairman asked if that duty has to be left to the rear end trainman?

A By the rear end trainman, the conductor, or both.

Q And the head end trainman does not go down one side of the train as it passes by him?

A Not under the circumstances outlined here.

THE CHAIRMAN: He would be in the cab and if he watched the train as it went by he could only get into the rear caboose and could never get back into the cab.

BY MR. LEWIS:

Q Mr. Fraine, I am instructed on this kind of inspection that the head end trainman will watch one side of the train as it passes by and the rear end trainman the other side, or the conductor may do the other side --

THE CHAIRMAN: From the ground.

MR. LEWIS: -- from the ground, and the head end trainman will be on the ground just as the rest of the train crew will be on the ground on this kind of inspection.

BY THE CHAIRMAN:

Q What do you say?

A Some ~~engine~~ ^{lo} crews do that, sir. What takes place is this: The front end trainman drops off and watches perhaps a third of the train pull by him on one side at a very low rate of speed and when it comes to a stop he will put a stone on the step there to indicate to his mate that

he has been back that far and he then crosses over and performs a standing inspection on the other side and the rear end man will come up the side of the train and when he gets to where that stone is he crosses over and makes a ^{running} standing inspection as the train pulls out slowly on the other side. That is not strictly the type of inspection that is set forth in this rule, but it has been accepted when it is performed at low speeds, so that the man who is doing that type of inspection is in a position to thoroughly examine the running gear as it goes by him at slow speed.

Q The head end trainman is on the ground?

A Yes, sir.

Q The train moves past or continues on?

A Yes, maybe 20 or 30 cars.

Q And comes to a stop?

A Yes.

Q And he crosses over to the other side?

A And walks ahead.

Q Walks back ahead to the engine?

A Yes, sir.

Q And gets into his cab?

A That is right. Q. That is both sides and the other part of the train is done by the rear trainman, the conductor, or both?

A Well, if only the trainman comes up he will go up one side, perform the standing inspection

and then he will cross over and perform a slow running inspection or ^{signal} ~~full~~-out inspection of the other side.

Q You say that is what is sometimes done. Is that what is meant in the rule?

A It is not quite the same as in the rule but it has been accepted so long as it is done under reasonable circumstances.

BY MR. LEWIS:

Q While we are at the rule book, Mr. Fraine, would you turn to 7a which has nothing to do with any of the evidence you gave, but if I may, I think you were here when the Chairman asked one of the witnesses -- I forget which one -- what the application and meaning would be of the words:

"If signals disappear from view the movement must be stopped immediately, unless otherwise controlled."

And it was suggested, if I remember correctly, that if the signals are given through the fireman and the fireman calls them out to the engineer the signals have therefore disappeared from the view of the engineer and 7a would apply.

THE CHAIRMAN: And therefore it is the meaning of that rule?

MR. LEWIS: Yes, would you agree with that?

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MR. SINCLAIR: That was the evidence of Mr. Kelley, sir, as I recollect it.

THE WITNESS: That is a literal reading of the words but I think the intent of that is that if, for example signals were being exchanged on the ~~trainman's~~ side and they disappeared from his view the movement would stop. If you were in circumstances where the three train crew members were strung out on a switching move of some kind and one of the lights, if it was at night, one of those lamps disappears, whoever can see it will display a stop signal because it indicates that maybe the man has disappeared too.

BY THE CHAIRMAN:

Q Indicates what?

A That maybe the man has disappeared. Maybe he has fallen off. On the other hand, it may be the light in front of the movement has gone out and the man there is not in a position to control the movement so obviously the ~~engineer~~ ^{other trainman} would display a stop signal at once.

Q But you are just being asked from whose view the signal must disappear within the meaning of the last sentence of 7a?

A I would say if the conductor were the only man who could see the signal of the rear end trainman who was on a point of the movement it would be he who would stop the train or if any of the men were on the fireman's side and the signal disappears from the fireman's view, then it should apply there too.

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BY HON. MR. McLAURIN:

Q "Disappearing from view" means disappearing from view of any member of the crew looking for it?

A Yes, the intent of that is that a movement will not continue while a man's light is out at night and in circumstances where the man himself may have fallen off.

BY THE CHAIRMAN:

Q Then it doesn't mean that the engineer who is the man in control of the movement must see a signal before he continued his movement or, let us put it the other way, that it doesn't mean if the engineer can't see the signal he should stop?

A The only qualification I can put on that, sir, is if he had not seen them to start with then what you have said is right, but if he had seen the signals to start with and they disappear he has got to stop, but if they were given to a man on the other side, as they occasionally are, then it is the view of whoever is looking at them on the other side.

BY MR. LEWIS:

Q If the engineer knows for one reason or another that the other person in the cab -- and we are not going to limit him to the fireman at the moment -- it would not matter whether it was the fireman or trainman or anyone else -- knows that

the other person in the cab is the one from whom signals are given, so long as the other person in the cab transmits signals to him either verbally or by hand then 7a does not apply?

A Well, Rule 7a applies if the move -- to go to your example, if the move was started with signals being given on the left-hand side and those signals disappear then the movement should stop.

Q You keep on saying "if the movement has started with the signals being given on the left-hand side". I suppose the same would apply if you started a movement on the right-hand side and signals there disappeared, the train would stop and then if the signals went over on the left-hand side it could start again if you had both operating in the same forward movement?

A Well, I don't like that kind of switching. That is the way people get into trouble, starting on this side and carrying over on to that side, and then you have men on both sides of the train which is not the way to switch a train. I don't believe in that.

Q I suppose you were here earlier when Mr. LeFrancois gave his evidence?

A Yes.

Q Did you recall him suggesting that in the case of Dominion Oilcloth and Linoleum he would have his men on the engineer's side up to a certain

point and then he would have them over on the other side with his engine follower, on the left side?

A I don't want to get mixed up in all that. What I understood him to say and what I understood him to mean was that they went so far on one side, stopped, and by special arrangement went over on the other side.

Q That is what I was talking about, that you might have an occasion where you did it on one side and by pre-arrangement went on the other side, and so long as the engineer was aware that was happening then he could go ahead and proceed with the movement on receiving the signals on the left side of his engine?

A I would say that rule does not preclude it.

THE CHAIRMAN: Since you have brought up the matter of the Dominion Oilcloth, I would say this: Having seen that movement for one of those movements, the movement I saw was where the engine was backing up, that is, cab first with cars, and on this occasion it happened to be that the leading car was a flat car with some bales on it, and the yard foreman stood when you were facing the entrance to the building at the left-hand side and when the engine got up to him, to about the point where the tracks split, with one track going into the Dominion Oilcloth and the other going up to the Canada Iron Foundry or something of that kind, then the

engineman could see the yard foreman and the yard foreman did signal directly to the engineer and the brakeman or fieldman or engine follower was on the left-hand side of what was then the front of the cab and when the engine got to that point where the engineer could see the foreman, the engine follower or fieldman on the engineer's side of the left edge of the cab crossed over then to the left-hand side of the engine and the other yard crew member who had been riding on the flat car and who also had been on the engineman's side also crossed over to the left-hand side of the engine. Then the engineer was getting signals on both sides, really. He could see the yard foreman at the entrance to the building. The yardman on the leading flat car was signalling back to the Yardman who was then on the left-hand side of the cab, the engine follower.

MR. LEWIS: I am sorry, Mr. Chairman, was he on the steps or on the outside platform?

THE CHAIRMAN: Well, I could only see one side of the movement. I understand he was on the steps. In any case he was in such a position that he could receive signals from the man on the leading flat car who subsequently got off on to the platform which is on the outside of the entrance to the building on the side opposite to where the fireman was standing and in position to pass signals back to the steps of the locomotive and the man on the steps of the locomotive on the engine cab sent the signal to

the engineer. That is the way it was done.

MR. LEWIS: The man standing on the step of the locomotive on the fireman's side, it was said his signals could be seen by the engineer on the other side?

THE CHAIRMAN: That is as I understand it although I was standing on the same side as the yard foreman and I was told what was happening on the other side. I might say we tried an experiment in another place altogether where one of us sat in the engineer's seat and another of us stood on the fireman's side of the steps, which was then the front of the cab, and we could see each other quite readily through the windows. We were just doing that to see the physical layout of the track.

MR. SINCLAIR: If I may say so, sir, as you have described it is pretty much as Mr. Lefrancois described it.

THE CHAIRMAN: It was pretty hard to follow Mr. Lefrancois.

MR. SINCLAIR: From what you have described, sir, I would say that that is the way Mr. Lefrancois was describing how the movement was performed.

HON. MR. MARTINEAU: They were setting out four cars and the siding holds five and then the engine was stopped and one of the crew men went to the rear inside and the fireman stepped on the platform outside but he could see the chap inside and

then the engine was backed slowly up to the end of the track through the signal of the man inside, the man on the platform outside and the engine follower was on the step.

MR. SINCLAIR: I think that is correct, sir.

MR. LEWIS: Mr. Chairman, I say this, I must admit, with a great deal of hesitation, but you are referring to the viewing done by two members of the Commission which has reminded me of something which I undertook on instructions from my clients to mention to the Commission, that my advisers -- when I say that I mean the people who have engaged me and who have advised me from a distance -- are concerned about viewing as part of this hearing which is necessarily witnessed by company officials and is necessarily explained by company officials because it cannot be done any other way and no one representing my clients is there.

The reason for my being hesitant, if I may say so, Mr. Chairman, to mention it, is that I want to make as clear as language that I can use can make it that not only I but my clients have known it before, but certainly from this hearing proceeding beyond any possibility of being shaken in the extremely fair hearing and the consideration that their case, as well as the railway's case, has received, is receiving and will receive, no matter what the conclusion --

THE CHAIRMAN: We hope that is the minimum.

HON. MR. McLAURIN: Well, I have had a little of it both ways and I do not profess to be too bright, but I would like to find a member of the Brotherhood or a member of management who is going to fool me.

MR. LEWIS: That is precisely one of the things I said to my clients when we were discussing it, that the members of this Commission are learning what this is about and they can watch it themselves. I undertook to mention it to the Commission and I am doing so.

THE CHAIRMAN: I am glad you did. May I say two things: First, in connection with this Dominion Oilcloth movement I am telling you just what Mr. Justice Martineau and I saw, nothing that we were told.

Now, in connection with any viewing that any members of the Commission do, we have been very careful to do that only by saying to Mr. Sinclair, because after all he is the man who has these things in his charge: "When will it be convenient for us? Where?" and on consultation with you, and I have been careful in that case to know that is so. Now, I have personally been surprised at the places we went to where we did go that we did not meet one of your clients as well as some representatives of the company, but so far my experience has been that we did not meet any member of your clients and I would assume, and I still assume, that you are quite satisfied to let us go as we have gone and we will just have to disregard anything that we are

told outside of this room, not in your presence, because we understand that after all this is a matter in which two parties are interested and we want every -- and I think I made this clear on January 28 when we first met -- we don't want to know anything from any party that is not stated here in the presence of the other, and I would just like to know from you now whether you criticize in any way what we have done so far outside of this court room?

MR. LEWIS: No, Mr. Chairman, I want to make it very clear I do not, sir. I took advantage of the opportunity to raise the matter as much, if I may say so without presumption, as much to have an opportunity for the explanation to be made so that my clients may hear it.

Secondly, I think that the viewing that was done before the hearing started, I knew about. I can tell you, sir, that in that case either the Secretary of the Commission wrote me informing me of the plans that were made by Mr. Sinclair or Mr. Sinclair's office saw that we knew every time.

THE CHAIRMAN: Both before and after the hearings started?

MR. LEWIS: Yes -- well, I can't quite say whether after or not, but that would not make any difference.

MR. SINCLAIR: I would like to say that I told Mr. Lewis and I told the Commission I would do so and there is no occasion when I did not tell my friend.

MR. LEWIS: I am not contradicting that.

THE CHAIRMAN: I assumed that was so and we would have not gone if we had not thought you had been advised every time.

MR. LEWIS: The only added thing I would say, Mr. Chairman, is that if we may know during the hearing because I regard the viewing before the hearing and my clients also as something different from during the hearing -- when we might desire that someone might be present so that someone else present may know what your Lordship saw. I am not saying that anyone is trying to prevent someone from seeing anything that goes on.

THE CHAIRMAN: We will be very happy to have that done and will feel a little easier if it is done.

MR. SINCLAIR: I would like to say that I have said on more than one occasion to my friend, "If you are going I am going, if you are not going I am not going". I think he will recall that and I thought I made that very clear. Sometimes when I was closer than he was I did not go because he was not there. On other occasions when he was closer than I was I think he did not go because I was not there and^{that}/has

been the situation.

THE CHAIRMAN: We don't want to have any misunderstanding about that aspect of the work of this Commission or any other aspect. We want to do just exactly what you want us to do and nothing more.

HON. MR. McLAURIN: When this subject is being raised I might like to slip around sometimes and have a look when the Brotherhood is not there and management is not there, just to have a look when nobody is there to see me. What do you say about that? I can't notify you and Mr. Sinclair if I want to do that. Do you object to my doing it?

MR. LEWIS: Let me say it this way, if you succeed in getting on Canadian Pacific Railway property without being accompanied by an official I would like to know how you do it.

HON. MR. McLAURIN: I could get on the Bathurst Street bridge and stay there all afternoon and see a whole lot and I am not going to have Mr. Sinclair or you there either. Do you object to that?

MR. LEWIS: Speaking for myself I can't object to you not wanting me there. I can't understand how you can do without Mr. Sinclair's charm.

HON. MR. McLAURIN: If it was a question of companionship I should like to have

you both.

MR. SINCLAIR: We not only do not object on behalf of Canadian Pacific but we would welcome any observation that you or any member of the Commission might want to make at any time and any place. If you did not want to tell me and wanted to arrange it directly with some officer of the company even though he might not be somebody and instructed him not to tell me I am quite sure if you made that arrangement with him he would carry it out.

MR. LEWIS: I was being facetious, Mr. Chairman, but I think there is a great difference in the minds of people -- most of the time the difference should not be there -- but if I may be so presumptuous to suggest there is a great deal of difference in the minds of the people when the members of the Commission view something without either side being near them and when they discuss something with only one side near them and it necessarily follows that if someone is going on company property some company official will be there. I am following what has already been discussed.

HON. MR. MARTINEAU: Mr. Sinclair, at the Dominion Oilcloth Company, for instance, no one gave us any explanation. We just stood there and took our own notes in our own hand. No explanation was given to us why this was done

and or why that was done. We just stood there and looked one on each side not to miss anything.

THE CHAIRMAN: I think I should say for my Brother McLaurin as well as the rest of us that I think we will follow the ordinary rules. We won't go and look at anything except by request of either you or Mr. Sinclair and when that request is made it will be under the assumption that the other knows all about it.

I think I might also say this in justice that I am quite sure that if there had been any suggestion on behalf of anybody who had accompanied any one of us up to date to influence us or drop anything that might influence us I am quite sure we would have detected it. We would have resented anything of that kind and we want to say it has not taken place.

MR. LEWIS: I was sure it had not taken place, Mr. Chairman.

THE CHAIRMAN: Now, that we have exhausted this subject I think we will take a break.

--- Recess.

--- Upon resuming.

BY MR. LEWIS:

Q I want to turn to the question, Mr. Fraine, of switching enroute and signals given to the fireman. My first question is, do you know whether that is done?

I think you said it was done?

A It is done occasionally, yes.

Q Do you know whether there are any places where it has to be done that way?

A Not that I know of.

Q You said you discussed the matter with officers of your region and also with some of the other regions?

A Yes.

Q Have you discussed it with officers of the Pacific Region?

A Yes.

Q And your evidence is to the effect that the officers of the Pacific Region informed you that there are no places where it is necessary to give signals to the firemen in switching enroute, is that your evidence?

A Where the train crew is used, that is right.

Q Where the train crew is used?

A Yes.

Q With the train crew?

A Yes.

Q Is there a case where the train crew might not be used?

A Well, I think I said the other day that there were occasions where the headend trainman might make the odd move by himself.

Q You mean the other two of the train crew would not be there?

A That is right.

Q And in that case he would have to use the fireman?

A Well, if the curvature was sharp enough he might.

Q Does that arise because the other two members of the train crew are busy elsewhere?

A They are not necessarily busy elsewhere; it is just that he does not wait for them to come up. They are on the rear of the train and he doesn't wait for them to come up.

Q And in those cases, just dealing with that for a moment, if you didn't have the fireman there they would in each case have to come up, he would have to wait for them?

A Not in all cases but in certain cases, he would, yes.

Q Well, in those cases where he now passes the signal through the fireman because the other members of the crew are at the back of the train, in those cases he would now have to wait for those members of the crew to come up before making this switching movement, is that right?

A That is right.

Q Do you know whether there are any places in the Pacific Region where it could not be done even without all three members of the train crew there?

A No I don't.

Q You don't know of any?

A No.

Q Did you discuss this matter with officers from the Prairie Region?

A Yes sir.

Q And they told you the same thing, that there was no place where you had to give the signals to the fireman?

A That is right, not that they were aware of.

Q Did you discuss with them particularly the question of spotting cars at grain elevators on the prairies?

A I discussed that with them, yes.

Q And did they inform you that there is no situation with regard to spotting cars by grain elevators where it is impossible to give signals to the engineer?

A No, on the contrary they told me that it could be done by giving signals to the engineman. It is not always done that way but it could be.

Q They have told you that it could be and could be done in all cases in spotting cars at elevators?

A Yes.

Q Now, in connection with that, Mr. Fraine, am I right in suggesting to you that in the case of a freight train in road service you would not be able to change the engine



around, you have to take it as she comes, as it were? If the engine is heading east then that is the way the engine stays for the movement including the switching movement?

A That is right.

Q If it is headed west the same thing applies, or north or south, the same thing?

A You are speaking of a through freight train?

Q Yes?

A Yes, that is right.

Q Or for that matter a way freight train?

Does it make any difference?

A No, but I do know of road switcher assignments where the engine heads one way to do one portion of the work and then heads another way to do another portion.

Q Wouldn't that be the same in yard service?

A No, for example, we have a road switcher in Woodstock New Brunswick, they turn it out in the morning heading north and they switch until around noon and the assignment then goes over to Holton Maine and they turn the engine and go south.

Q But once they go south or north it **remains** that way from one terminal point to another whatever that may be?

A Yes, I think they turn it at Holton when they get through to come back.

Q In the hours that they do switching

with it the engine would remain in the same direction?

A That is right. There is an assignment where it is convenient to do^{it}/with the engine headed one way and the other portion with the engine headed the other way and they do it.

Q And on a through freight whether it is a symbol or extra you don't even have what you just describe happening in New Brunswick, is that right?

A That is right I said with a through movement the engine is headed in one way and it runs in that direction.

Q I am instructed, Mr. Fraine, with respect to elevators that when the engine is headed in such a way that the elevator is on the engineer's side that it would be impossible to spot cars by giving signals on the engineer's side because of the lack of side clearance and frequently head clearance. Do you know anything about that?

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A You can always see a man of a car behind the road switcher on an elevator track. The curvature of them is not that heavy that you can't see him and his mate can be on top of the car that is being spotted. He has got to be there anyway to put the hand brake on.

Q When you were a trainman -- for eight months was it?

A Roughly that.

Q Were you a trainman in the west or east?

I can't remember now.

A I was on both eastern and western runs. *region*
I was between Kenora and White River.

Q Would you have done any grain elevator switching then?

A No, that is mostly Jack Pine you are in there, Mr. Lewis.

Q So you have not had any personal experience with switching at grain elevators?

A No sir.

Q You are reporting what your officers from the prairie --

A No, I have not discussed it with all of them, I have not made a man to man canvass on the prairie region, no.

Q Have you ever instructed your train crews that they are not to give signals through the fireman?

A Yes.

Q When was that?

A I didn't personally instruct them but I arranged to have the instructions given to them -- at Medonte is an example of what you mean.

Q That is in connection with one of the inspections I will come to later, Mr.Fraine. As a matter of fact, Mr.Fraine, you had occasion to notice in some of the discipline cases that the fireman was receiving signals according to his statement, haven't you?

A Yes.

Q And in those cases was it ever mentioned to the fireman or anyone else that the fireman was not to receive signals?

A I don't attend all of those investigations, Mr. Lewis.

Q Well, those that you did attend.

A Well, under those circumstances -- I just can't recall one at the moment, but in circumstances where a crew got into difficulties as a result of perhaps giving the signals the wrong way it would certainly be drawn to their attention I am sure.

Q You say you are sure?

A It should be.

Q I show you, Mr.Fraine, the file of a case that Mr.Sinclair was good enough to let me see in connection with a request I made according to this note at page 573 of volume 5,

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line 16 to 20 involving an occurrence at Mission City, B.C. and in the statement taken from the fireman in this file which Mr.Sinclair provided me with there are these things stated:

"I was fireman on extra 915 east with
engineman ---"

and he gives the name --

"--- and conductor ---"

and he gives the name --

"that at Mission City the two trainman brought our engine and two cars which were coupled to the tender into Windy spur, account shed and loading platform on engineman's side at that point signals were given to me by the trainman which signals I relay to the engineman."

and then he goes on to indicate some of the signals he received. I was going to ask you, Mr.Fraine, if you would be good enough to read that and tell the Commission whether anywhere in that file that Mr.Sinclair provided me with there is any suggestion from your officers in that investigation that the trainman should not have given the signals to the fireman?

MR. SINCLAIR: I would suggest that rather than take the time of the witness and the Commission to read through the various statements and look at them that my friend has

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given him the file and should let him go on to another point and he can read it outside the courtroom. There are five or six pages there.

MR. LEWIS: I have no objection to that. Let me complete that by putting on the record the date of this incident. What date was this?

THE WITNESS: November 19, 1956.

MR. LEWIS: I am also handing to the witness, Mr. Chairman, our file, that is the file of my client with regard to the incident which appears to have occurred on March 7, 1952, and I leave that with the witness.

BY MR. LEWIS:

Q In that, Mr. Fraime, you will again find that the fireman talks about receiving signals. Perhaps you would be good enough to look at both those cases and inform us tomorrow because I am afraid I won't be through today whether in those cases any officers suggested at any time that it was not right for the fireman to receive signals. Would you do that?

A I will.

Q And following from that, Mr. Fraime, I suggest this to you, that until this issue arose, the issue which is before the Commission, that your company did not care at all if circumstances required signals to be given through the fireman?

A I don't think that is right, Mr. Lewis.

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I can remember the second pay trip I made,
I think I mentioned it here the other day --

THE CHAIRMAN: You did.

THE WITNESS: Where the conductor instructed
me to get over on the other side **on the**
engineman's side. That has been the recognized
practice. I never heard it questioned until
this last ten or twelve ^{months} ~~days~~. That is the
proper way to do business.

BY MR. LEWIS:

Q Mr. Frairie, may I make clear it had to do with
other witnesses. The thing I am questioning you
on is not the fact that signals are given more
often through the engineer but **on the proposition**
-- and I want to know whether that is your
proposition that your company now regards as
entirely undesirable signals to be given through
the fireman?

A Well, the company's officers recognize that the
practice of giving signals to the engineman
is the best practice. Now, they have gone
along on occasion with signals being given
through the fireman, yes.

Q Does the company now regard it as undesirable
practice in all instances?

A It has always been undesirable. You get
get into the position -- that is where you
got to get a lot of this trouble, you get

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people on one side of the train and on the other side and first thing you know you don't know who is giving the signals or the signals are not being properly given and you get into difficulties.

Q Did you know before last summer that signals were being given through the fireman in road service at some points?

A Yes.

Q. Did you do anything about it?

A Yes, certainly where we got into difficulties with it we did.

Q Did you issue a bulletin on it?

A No, it has always been a self policing practice, the conductors and enginemen police that practice.

Q Mr. Fraire, I am sorry to press you on this. You knew, you told me, before February 1956 when this issue was first laid on the table, you knew there were places in your region where signals were passed through the fireman?

A Yes, I said that here the other day that we have things off and on men do to save their feet.

Q And you considered it, you say, undesirable before February 1956?

A Yes.

Q And I am asking you whether as a superintendent or general manager, whatever your office was

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you took any steps to stop it?

A Where it came to my attention where it was not involving one man setting out cars where there was curvature, yes, I would talk to the man.

Q What was the exception, where it was not a case --

A Of one man setting out cars with a curvature on the fireman's side I would not say much to him under those circumstances if he knew what he was doing and had made some arrangement about it but I just can't recall in my time as a division officer at this distance anyway of seeing anybody undertake to do switching except with the engineman.

Q Mr. Fraire, you told me you knew before February 1956 that it was done. What difference would it make if it is undesirable whether there was only one man doing the switching or the entire crew?

A Well, one man knows where he is and he is not getting involved and he has ^{only} ~~any~~ got a few cars as a rule. It is not nearly the same thing as where the arrangement is being entered into by several men where they can get on each side of the train and things of that nature.

Q There was, I understand no bulletin issued on the matter, no instructions issued on the



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matter?

A No, when I was working as a division officer I did not believe in plastering the book full of bulletins. If I came across something I thought required correction I took it up with the crews on the spot as I went around with them. There were some things bulletined but I would not bulletin a thing like that.

Q Do you know of anyone else ever speaking verbally to crews, telling them that they must not pass a signal through the fireman outside of the incident in your own experience that you mentioned to us the other day?

A No, I can't recall offhand although I do know that other officers have told me that they do that sort of thing, that that is the manner in which they conduct themselves.

Q I repeat my suggestion to you, Mr.Fraire, on this point for the last time that before February 1956 you took it as a matter of course that if the curvature or clearance were such that the men found it more convenient and in their view safer to give signals through the fireman you didn't care nor did your company care?

A I don't think that is right, Mr. Lewis.

Q I am instructed that you made a switching test or that you had a switching test made at Medonte at one time recently with

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instructions that the signals must all be passed through the engineer. Do you know about that?

A Yes, I didn't make any test. I was on a train that set out 32 cars at Medonte.

Q That is in your observations?

A That is right.

Q I am instructed -- and if you don't know about it I will leave it there -- I am instructed that there was a switching movement at Medonte made at another time with some of your officers present, not you?

A That is right.



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- Q For the purpose of seeing it done on the engineer's side, is that right?
- A I think what the test resulted from was my trip and the local officers went up there to see just what was going on and as a result of what they saw they have been arranging that the work be done on the engineman's side.
- Q Were you given a report on how long the switching at Medonte took as compared with the switching which, for example, you saw on your trip on that subdivision?
- A No, I don't know that I did but I am satisfied that it could be done equally as fast if not faster by working on the engineman's side as it could working on the fireman's side?
- Q I am not referring to anything hypothetical. I am asking you whether that test which was made by your officers after you made the trip, whether it was reported to you as to how long the switching move took doing it on the engineman's side?
- A I think what they did, they did it on the fireman's side first and then the officers observed what took place and then arranged the correction.
- Q And I am instructed, Mr.Fraire, by people who were on that train that the switching move took 45 minutes when it was done on

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the engineer's side as against 20 to 25 minutes when it was done as it has always been done.

Were you given any report as to that?

A No, I was not and I do not think your statement "in the manner in which it has always been done" is just correct because I was assistant superintendent on that territory about 1946, I think it was and it certainly was not being done then.

BY MR. SINCLAIR:

Q What was not?

A At least not in my experience.

MR. LEWIS:

Q What was not being done?

A Setting off cars on the port side by giving the signals to the fireman.

Q It was not done that way in 1948?

A I don't know about 1948 but in 1946 it was not.

Q When you were assistant superintendent you were out there at Medonte quite frequently and you have not seen it done by signals given through the fireman?

A No sir.

Q You do some work at Oakville, do you not, the Ford plant at Oakville?

A Yes.

Q How is the work done there, how are the signals

passed and the work done there?

A On the engineman's side.

Q It is done regularly on the engineman's side?

A Yes.

Q I am instructed that you had some officers look that over because it had not been done on the engineman's side. Are my instructions correct?

A Your instructions ~~are~~ incorrect, Mr. Lewis.

Q You say they have always been done on the engineman's side to your knowledge?

A Yes sir, we had a lot of nonsense on that here in the last hearing, Mr. Lewis, I should perhaps tell you that and anticipating that this might be repeated I had the local officers go over and observe and see how it was done and they were doing it on the engineman's side.

Q That was the report you received?

A That is correct, because there was no reason to do it on the fireman's side.

Q That is the report you have received?

A That is right, and it is my observation when I was over there several times last year. The yard engine was headed west and I saw all the crew work up and down there giving the signals on the engineman's side.

Q I think you suggested to the commission that in stations between major terminals there would

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be only one engine working at a time?

A I think I said that was a general rule, yes.

Q But there would be a good many places where a road engine would be working in the yard together with one or more yard engines at those same places, would there not?

A If you had a place big enough to employ yard engines.

Q Well, Medonte, for example, since we have dealt with that?

A What about Medonte?

Q Is there not a yard engine there?

A No sir.

Q And there was more than one road engine working there at the same time?

A There might be one at each end of the yard.

Q One from the north and one from the south?

A Could be.

Q And Oshawa?

A Could be, there is a yard engine there.

Q Sudbury?

A Yes -- well, Sudbury is the terminal for the Soo branch and the Webbwood branch.

Q You would call that a major terminal?

A Not a major terminal, it is a terminal.

Q It is one of the stations between major terminals?

A I was speaking in a general manner at that

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time, Mr. Lewis, and I was talking about intermediate stations, what we call intermediate stations, but I did say we had in addition to these places where way freights or road switchers or through freight trains might be making the odd move other points where we employed yard engines if there was sufficient work to do in which case they happened to be between terminals but that does not mean that they were necessarily what I was referring to.

Q Maybe not, I just wanted to clear that up. In general terms then you would agree there are a good many stations between major terminals where switching work would be done by the road crew and where there might be either a yard engine or two or another road engine working at the same time?

A No, I can't agree with that. I would say that those are the exceptions.

Q Those are the exceptions?

A Where there is a yard engine I would say is the exception. We don't have too many outlying yard engines.

Q A yard where there is more than one road crew working?

A You might have a place on a subdivision where that might happen.

Q Well, I will have to go on -- Orangeville?

- A Orangeville is a terminal.
- Q And Galt?
- A Galt is a junction with another railway.
- Q And there are places in the west, in Saskatchewan and Alberta between your major terminals where you would have more than one engine working, is that right?
- A Well, I said there would be the odd occasion when you will get one.
- Q Well, Mr.Frairie, what do you mean by "odd occasion" is what I am asking.
- A Well, I have told you as much as I can tell you.
- Q I suggest to you that there are numerous stations between terminals where the work would be done by more than one engine, either more than one road engine or a road engine with a yard engine, and there would be numerous stations of that kind?
- A No, that is not right.
- Q You would not agree with that?
- A No. We have **road** crews setting off at a place where a yard engine works, where they set off cars with that yard engine working but we certainly don't have the majority of places where we would have two road crews in working at one place.
- Q I didn't say a majority but many.

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A That is what I understood you to say.

Q Let me put it a large number?

A Not a large number either in relation to all of them.

Q Perhaps I should say a significant number. Would you agree with that.

A I would say a few places in comparison with the over-all, a few places. I wish we had that kind of business, Mr.Lewis.

THE CHAIRMAN: "Significant" is a word that is very much overworked.

MR. LEWIS: I know, Mr.Chairman.

BY MR. LEWIS:

Q Now, I would like to return to your Exhibit 107, Mr.Fraine. I want to ask you first whether the ten **trips** on which you report in this exhibit were all the trips you made in connection with this tour?

A Well, I don't know what you mean by that, Mr. Lewis, but if you want to know what I did I got on train 951 at Montreal and I rode through on it to Fort William and I came back through on 952 to Schreiber, I got a freight train out of Schreiber to Chapleau and another freight train out of Chapleau to Sudbury, then 954 ^{from} to Sudbury.

Q All I am asking is whether the report in Exhibit 107 is all the trips which you made on this tour or whether it is not all?

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- A It is all the trips were I rode the engine, yes.
- Q All the trips in which you rode the engine?
- A Yes.
- Q With regard to these trips I think it was Mr. Alver who informed us that in the case of a trip, when an official of the company appears the grapevine carries the news and everybody then knows -- whether they are supposed to do or not --
- A The moccasin telegraph.
- Q I am wondering Mr.Frairie, whether this kind of thing might not also be true of the case where the local people know that the general manager is going to be on the train?
- A Yes, I think that would be a reasonable assumption, Mr.Lewis.
- Q You have your private car with you, I understand?
- A Business car, yes.
- Q I beg your pardon, it is a business car with you?
- A Yes.
- Q They would know it was going on?
- A I would think so, yes.
- Q And they are likely, are they not, the people who look after the engines that are to go on the train and all the other things are likely to know and to give it rather more attention that might normally be their habit?

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A I would not think it would go that far, Mr. Lewis.

Q You would not?

A I don't know what more attention they give than the inspections they normally give these units.

Q You don't know of any more?

A No, I don't think so. I would think that would be rather reaching for it a little bit.

Q Well, with regard to sheet one of Exhibit 107, Mr. Frairie, there is a matter which has been reported to me and I would like you to tell me if you would recall it which is perhaps more amusing than relevant. I believe there was something wrong with the order, with the train order received by the crew at Renfrew?

A That is right.

Q And that you were given a set of the orders and the trainman was given a set of the orders?

A That is right.

Q And I am instructed that you had read it, the engineman had read it, the trainman had read it and Mr. R.B.Scott, who was with you, the general master mechanic -- was he with you on that trip?

A Yes, the district master mechanic.

Q When he had read it and by co-incidence in this case, I can't suggest it is any more than co-incidence, Mr. Fraine, the fireman happened to be the one who noticed the error in the order, is that right?

A That is right, I had noticed it too.

Q You had noticed it?

A Oh yes.

Q But like my teacher you did not tell the crew about it, you wanted to see whether they would notice as well?

A That is right, that is what I was there for.

Q And the fireman did notice it?

A That is right.

Q And drew it to the attention of the crew?

A That is right.

Q Well, Mr. Fraine, I suppose it was natural for the fireman and engineman to assume since you did not mention it that you had not noticed it and they were preening themselves on it?

A I am not perfect, Mr. Lewis. I miss some of them too but I didn't on that occasion.

Q As a matter of fact the error was not inconsiderable, was it, as far as I have been told? The time was given as one time in the written words and another time in the written number, isn't that right?

A Well, the lad had the figure transposed. If I recall it rightly it was written 12.10 and the figure was 12.01 -- something like that.

Q Now, you went from Smith Falls to Chalk River in No. 1 and from Chalk River to North Bay on the same train on sheet no. 2 of Exhibit 107?

A That is right.

Q And you were at Chalk River, if I understand it correctly, for an hour and fifteen minutes, from 12.05 to 1.10 p.m.?

A Yes, an hour and five minutes.

Q I beg your pardon, I said an hour and fifteen minutes. May I ask you without wanting to be personal what were you doing during the hour and five minutes at Chalk River?

A I was taking the load off my feet and having something to eat and starting on the preparation of this form.

Q Well, I am instructed, Mr. Fraine, while you were at Chalk River and in your car that the train was doubled over at Chalk River, that it took some 30 to 40 minutes for some switching to be done and that because of the curvature and the rock cut that that switching was done by signals being given through the fireman?

A Well, your information is not correct, on that, Mr. Lewis, because I was on the

until
engine/that double-over was completed and
the switching was done on the engineman's
side. It was snowing fairly heavily at the
time and the front trainman was out with
a red fusee and he was transmitting signals
to the engineman and one of the yardmen
there was helping him.

Q You were there when all the switching was
done and it was done on the engineman's
side?

A Yes, and it didn't take 35 or 40 minutes
either.

Q How long did you watch that switching?

A Until they put the headend of the train
into the other track they put it in.
They pulled the train into one, pulled out
made their cut and shoved the head portion
back into another track and after they
put it in the track we went back to eat.

Q How long did that take roughly?

A From the time they stopped initially in
the yard I would assume about 15 minutes.

Q But, Mr. Fraine, I **repeat** again I am
instructed by members of the crew who
were there on the train that you --

A On the arriving train?

Q Both the arriving and the leaving train?

A I didn't watch the leaving movement.
The arriving movement I watched that
and the work was done on the engineman's

side with a red fusee.

Q And you didn't watch any of the work done by the leaving crew?

A No sir.

Q Well, perhaps Mr. Fraine that might explain the difference in what you saw and what my instructions are.

A And there certainly is no reason why the leaving crew should have been working on the fireman's side either because it is just as easy, I would say even more so ^{to} work on the engineman's side than on the fireman's side at that location.

Q Even when you face in either direction it is your statement that it is as easy in one position as the other no matter what direction you face?

A I don't see that it makes any difference. The ^{is} yard/on tangent track. It has got a standard ladder at each end. There is nothing very involved about it.

Q There is no sharp left curvature, Mr. Fraine?

A No.

Q And these rock cuts which obscure the view, there are no such that you can observe?

A At Chalk River?

Q At Chalk River.

A No, I can't recall any rock cuts there. If you are talking about the rock formation

opposite
~~that stops at~~ the station and north of the yard that is not anything -- rather than hindering anything that would help it. A man could stand on it if he wanted to but there is no need for him to get over there. It is well north of the lead.

Q You are under the impression this could be done on the engineman's side and do you know whether it has been done on the engineman's side always from your experience?

A In my experience, yes.

THE CHAIRMAN: I think we will adjourn.

--- The Commission adjourned at 4.05 p.m.
until 10.30 a.m. Tuesday, April 2, 1957.

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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Tuesday, April
2, 1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C. C.J.A. Hughes, Q.C.	Representing the Commission
I.D. Sinclair, Allan Findlay	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Tuesday,
April 2, 1957

20TH DAY

MORNING SESSION

--- The Commission opened at 10.30 a.m.

J.N. FRAINE, Recalled

MR. SINCLAIR: Mr. Chairman, on Friday I referred to the duties of enginemen on the Western Lines under the agreement with the Brotherhood of Locomotive Engineers. This is the collective agreement between the Canadian Pacific Railway Company and the Brotherhood of Locomotive Engineers, the rules effective April 1, 1954; the rates effective February 1, 1954.

THE CHAIRMAN: Is this a new agreement?

MR. SINCLAIR: Yes. I referred to it on Friday and my friend, Mr. Lewis, mentioned yesterday he would like to have it. I had overlooked filing it.

THE CHAIRMAN: What is it?

MR. SINCLAIR: The collective agreement between the company, the Canadian Pacific Railway Company, and the Brotherhood of Locomotive Engineers on the Prairie and Pacific Regions; at pages 48, 49 and 50, the duties of locomotive engineers are set out. In examining Mr. Fraine I think I mentioned -- I have not checked the transcript -- but this does set out the duties of the engineman with regard to steam power because there had been no revision of those duties by special instruction or bulletin.

BY MR. SINCLAIR: Q. Was that correct, Mr. Fraine?

A Yes sir.

THE CHAIRMAN: What is the date?

MR. SINCLAIR: April 1, 1954 for the

rules; and rates February 1, 1954.

BY MR. SINCLAIR:

Q Was that correct?

A Yes sir.

EXHIBIT No. 117 -- Collective
agreement,
C.P.R. and
Brotherhood
Locomotive
Engineers,
1954.

THE CHAIRMAN: May I just ask Mr. Sinclair a question. These duties to which you referred and which are set out in Exhibit 117, do they still stand as far as diesel engines are concerned?

MR. SINCLAIR: No, they are for steam power. With regard to diesel power, they have been substantially modified by Exhibit 114.

MR. LEWIS: Mr. Chairman, my friend has made that statement -- I have not studied the pages in the agreement he has referred to -- but with great respect I wonder how the company can modify a unilateral agreement by a bulletin, that is, to modify provisions in a collective agreement between itself and the Brotherhood of Locomotive Engineers. I do not think they can do so.

MR. SINCLAIR: I think it is very simple.

THE CHAIRMAN: There is a point there.

MR. SINCLAIR: The point I think is that the duties are maximum which the company can require; they cannot require more than that. If they do not require them they can tell them that they

do not require them. It is not work that they must have, it is work that the company can have if it wishes to require a specific type of employee to do it.

THE CHAIRMAN: That is your position?

MR. SINCLAIR: That is my position.

MR. LEWIS: I think if it merely lessens the duties set out there my learned friend would be right.

THE CHAIRMAN: You would agree?

MR. LEWIS: Yes, I would agree with that, but I have not read the text yet.

THE CHAIRMAN: Of course, and I have not either.

BY MR. LEWIS:

Q I was referring you to page 3 of Exhibit 107, Mr. Fraine, at adjournment yesterday. There is only one specific point to assist me in any research that might be done on my behalf. I am instructed you have the wrong engineman noted on your report. Did you get the name from the engineman or from the company records in the locomotive foreman's office, whatever it may be?

A You mean Engineman Jardine?

MR. LEWIS: I am instructed that the engineman on the train you rode was a man by the name of Comte, and that Jardine followed on another train. Would you mind just checking that?

Nothing turns on it at the moment.

THE WITNESS: That could be. That record was prepared for me on a slip of paper by the ~~members of the crew~~ ^{station staff} and it could be that somebody inadvertently took the wrong name. Now that you mention the name, I think that is the name of the man I was introduced to. I did not know the man.

BY MR. LEWIS:

Q I am instructed that it was R. Comte, and that Jardine followed a little later on an extra west.

BY THE CHAIRMAN:

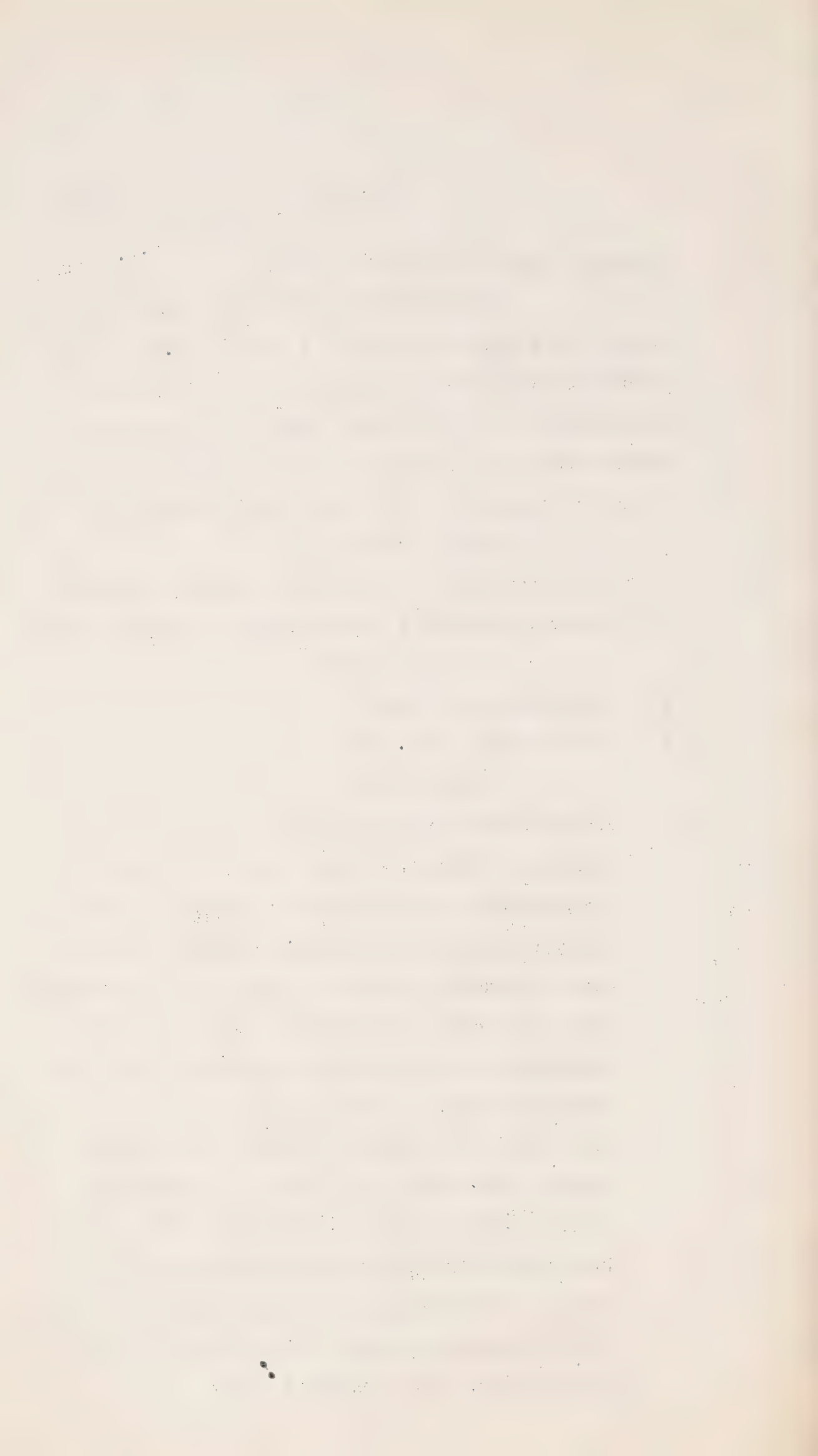
Q You will verify that?

A I will check that, yes sir.

BY MR. LEWIS:

Q If you will turn for a moment to page 9 with regard to Medonte. I just want to be sure that I understand your explanation correctly. Am I right in gathering from your evidence that this move at Medonte was made by the head end trainman alone, the other two members of the train crew remaining in the caboose or somewhere with the remaining train; is that right?

A No, that is not right. Perhaps I had better explain that fully, Mr. Lewis. The Canadian Pacific MacTier sub runs north and south, and just north of the north siding switch on the MacTier Subdivision, there is a diamond crossing of the Canadian National Railways which runs east and west, so that you have a plus.



BY THE CHAIRMAN:

Q You have what?

A Like a plus sign, it is almost a right-angle diamond. The siding on the MacTier Subdivision is on the east side of the MacTier Subdivision.

BY MR. LEWIS:

Q The siding on the MacTier lead you mean?

A The passing siding of the MacTier Subdivision is on the east side of the main track and south of the diamond. The so-called port side, which is the Port McNicoll Subdivision, runs from a point just south of the diamond and just north of the north siding switch of the MacTier siding in a south-southwesterly direction, which makes a "V" with the MacTier Subdivision.

Q That would be off the main track south of the diamond?

A Yes sir, immediately south of it. Both of these switches, that is, the north switch ~~south~~ of the MacTier Subdivision and the switch leading to the Port McNicoll Subdivision are operated by power, remotely controlled from the station which is located about a mile south. On this particular occasion --

BY MR. SINCLAIR:

Q Referring to page 9?

A Page 9 of Exhibit 107, the train Extra 4086 north stopped on the passing siding of the MacTier Subdivision just clear of the north switch at 10.55 a.m. At that time the head

trainman proceeded to a phone which is located in the immediate vicinity and asked where the cars were to be set out. He knew he had 32 cars to set out and they said to put them on the Port side. He was told that from the station where he phoned to.

He came out and the switch was set by the operator on duty to allow the movement to proceed on to the MacTier Subdivision main line in a northerly direction, and the trainman remained in the vicinity of the fouling point on the engineer's side, that is, the east side, and when the 31 cars had got up to where he was, the whole train was pulled up and he transferred a stop signal to the engineer and the train was stopped and he cut off the 31 cars.

BY MR. LEWIS:

Q At that time the other two members of the crew were in the caboose?

A They were not in my sight; they were somewhere to the rear. After he had made the cut the movement proceeded north until the south end of the movement was -- the south end of the 31st car to be set off was clear.

Q That would be the last car they were pulling?

A Yes, that is right.

BY THE CHAIRMAN:

Q The last car still attached to the engine?

A That is right. When they got north of the home signal governing southward movement on the

MacTier Subdivision the trainman displayed stop signals and the movement stopped.

BY MR. LEWIS:

Q As the 31 cars were pulled ahead north where was the head trainman? Had he remained at the switch or had he come along with the cars?

A I think he rode the rear of the cut as they went by.

BY THE CHAIRMAN:

Q So you still had the whole train on the main track with a space in between?

A No sir.

Q The two sections?

A Actually the train was pulled into the siding, the whole train was pulled into the siding and then the movement north with the 31 cars was made out of the siding to the main track, and the balance of the train remained on the siding. When the signal was cleared to enable the reverse movement to be made the trainman took up a position on top of the southernmost car. At that time the engineman said, "He is going over to your side", or words to that effect, to the fireman, "Keep a sharp lookout", and the movement, the reverse movement started.

Q The signals being given by the man on the top of the rear car?

A That is right, sir.

BY MR. LEWIS:

Q Did he give the signal while he was on top

of the rear car?

A Yes sir.

Q Would he be seen across the 31 cars?

A I could see him; I was standing in the gangway on the fireman's side and I saw him, and as we were backing down the fireman said, "Take it easy, I cannot see him very well." Actually, he could not see him at all because there is a hedge of trees there and the man had disappeared behind the hedge of trees back 31 cars away, and as it curves toward the south west, but he reappeared again in a moment or two.

BY THE CHAIRMAN:

Q What about the engineer? Could he see him?

A No, he could not see him, sir. The switches at that time had been lined by the rear end crew, that is, the hand thrown switches for the sidings that are adjacent to and south of the Port McNicoll subdivision. They had been lined up by the rear end crew.

BY MR. LEWIS:

Q In other words, they had come up, had they?

A They had come up from the rear end.

Q Because these switches were north of the 29 cars which were on the siding?

A They were not very much north of them. I would say they were about west of them.

Q What I am driving at is they were not in line with the caboose, say; they were more in line with the first car looking northward of the 29 cars you had left on the passing siding?

A That is right. They were about opposite where the cut had been made.

Q They had walked up 29 cars presumably?

A 19 cars, I think, 20 cars.

Q You may be right?

A Well, there were 19 loads and 34 empties on the train.

Q 53 less 31 or 22 cars?

A That is right, and the movement continued and about 20 or 21 cars were put in no. 1 siding on the ~~MacTier~~ ^{Port McNicoll} subdivision with the

J. N. Fraine

head trainman riding the point car.

Q MacTier?

A I am sorry, on the Port McNicoll, no. 1 siding on the Port McNicoll subdivision and the headend trainman was riding that point car and he rode it until the movement stopped. The rear trainman at that time made a cut in no. 1 siding to clear and a forward movement was then made. No. 1 switch was reversed and the balance of the cars were placed in no. 2 track.

Q For which he would have to pull forward and back in again?

A That is right, and as that reverse, that second reverse movement was made to put the cars in no. 2 track the rear trainman got up on the top of the cars that had been placed in no. 1 track and the conductor got on the north side of the second cut of cars, if you will, that were being put into no. 2 track, and they were set out in that manner with the signals all being displayed on the fireman's side.

After that had been done the conductor came up to the engine and apologized to the engineer for the fact that the head trainman had inadvertently left one car on the train that should have been set out, and at that time he said, "I will go and phone the

operator so he will line the switches for the move we are going to make." He did that and the engine proceeded unaccompanied, as it were, ~~to~~ back up on the MacTier subdivision north of the signal that governs southward movement, back into the siding. The conductor coupled the engine to the one car, to the train, and then uncoupled that one car and that movement was made back over on to the Port McNicoll subdivision.

BY MR. SINCLAIR:

Q Unaccompanied by what?

A Unaccompanied by the train crew.

BY MR. LEWIS:

Q By any of the train crew?

A That is right, and after it had got north, it went north of the home signal, backed down on to the train, ~~lifted one~~ car north of the signal on the MacTier subdivision and back over on to the Port McNicoll subdivision and set that car out on no. 2 siding. The engine was then returned to the train.

Now, the ~~rear~~ end crew were in the vicinity of the switches on the Port McNicoll subdivision at 11.00 o'clock or perhaps 11.01 because they had those switches lined as we backed. We had the first cut placed on no. 1 track at 11.05. We had the

second cut placed on no. 2 track at 11.10. The engine was back on the train at 11.20 and the train left at 11.25.

Now, I think maybe I should say this, that that job was done left-handed. It was done by a group of men usually working with the engineman because if they had been working with the fireman regularly they would have put the cars into no. 2 track first and then into no. 1 track second because when they put them into no. 1 track they effectively blocked their view and they had to do a lot of scrambling around they otherwise would not have had to do to display signals for no. 2 track. In all, that movement took 30 minutes making it twice, that is, once with 31 cars and once with one car.

The occasion that you referred to last night, I have been in contact with the superintendent. The move was made entirely by the head trainman. The rear end crew were not up. The train arrived at Medonte at 11.00 o'clock and the engine was back on the train at 11.40. One man making that movement, if you will just follow what he has to do, he goes north on the MacTier subdivision with his cut of cars until he gets north of that home signal governing southward movements. He then starts the

movement in reverse and when he gets to about the diamond he has to stop the movement, walk and set his switches into the Port McNicoll yard tracks. He then goes back to the rear car of the cut, rides it down, applies his hand brakes, gets off, walks up, makes the cut 20 cars from the point, displays signals for the forward movement, lines the switches again, rides the rear end of the car back into the other siding, and that all takes time. It consumes time.

I timed this crew going up on the trip I was on, and with a 53 car train the rear end crew was ~~back~~^{up} at Midhurst in just under ten minutes, having walked up from the rear. They were ~~back~~^{up} at Carley where we held a meet and where they inspected the train, they were up to the engine in just under ten minutes, so they were coming up at the rate of five cars a minute.

A train pulling into a siding at Medonte, let us say it is a 70 car train with 30 cars to be set off. That means that there are 40 cars that that rear end crew has to walk. It would take eight minutes. By the time the movement has proceeded north of the diamond and so on they might have to wait a minute or two at that signal until the rear end crew got

into position at the front end of the train, and under those circumstances the conductor can occupy a position near the forward end of the portion of his train that is left in the siding. He has a complete view of the engineman, he has a complete view of the rear end man who is over on the Port McNicoll subdivision setting the switches and he has a complete view of his head trainman who is riding on the point car of the reverse movement. He has the movement completely under control with the engineman at all times.

That is the way I had always seen that job done there because the interlocking signal tower that used to occupy the northwest quadrant of the diamond prevented signals being displayed between the fireman and a man riding the point car on a long cut of cars of that nature. He might get around there with a few cars but he certainly would not get around there with a long string and give signals, and for that reason the conductors and rear end men used to come up, and that was the way they did the work, with one man on the main track displaying signals, the other man over setting switches and the one man riding the cut.

Q Mr. Fraine, the simple question I was going to ask you was whether you would agree that if the head end trainman alone did it he would

have to give the signals on the fireman's side?

A He certainly would, but he would take longer.

Q What you are saying means that you need all three men but if you use all three men of the train crew you can do it on the engineer's side?

A That is right, and do it quicker and safer in my view.

Q You gave an example of a train of 70 cars setting off 30. Mr. Mountsteven in his evidence suggested, if I remember correctly, that he had set off four cars more often than he had set off 20?

A Yes, I heard him say that.

Q Therefore I ask you, suppose you had a train of 70 cars and you only had 10 or 15 cars to set off, which would happen quite often -- is that not right?

A I don't know how often it would happen. I have not made any check. It might happen.

Q It might happen. Then it would still be your opinion, would it, that the rear end crew should walk up the 50 or 60 cars?

A We are prepared to accept that if there is no fireman. I have said before though that the head trainman making moves where the curvature was on the fireman's side in the absence of the rear end crew and where only a few cars were handled, that it is done.

Q Does the conductor not have some duties that he has to perform at that time other than the mere switching duties?

A Well, he did not on the engine when I was there. I don't know what they might be.

Q Might he not be required to go to the station for some orders?

A Well, he might be.

Q Might he not be required to do his clerical work, to make a note of the load he is setting off and the load that is remaining and so on?

A He could very readily do that after he left Medonte. He is just setting off empties.

Q You think that the conductor can at all times be available for switching moves?

A I think so.

MR. LEWIS: Mr. Chairman, if I may interject something here, my learned friend and the company have been good enough to supply me with a large number of maps and plans of parts of the roads and yards which I requested from them. Many of them are very large, and while I have not had any inquiries made as to the cost of making ten copies of each I shudder a little bit as to what that might come to. I think some of these maps which have been described as Mr. Fraine has done would mean a great deal more to the Commission and the witness would be able to do it better if the map were displayed where the

Commission could see what he was describing. With your permission, I was going to suggest^{to}/the secretary of the Commission that perhaps we ought to try to find an easel of some sort against which these maps could be pinned.

THE CHAIRMAN: Certainly, if it will facilitate our understanding of the evidence and what it means.

MR. LEWIS: I think it might. I do not/suggest that it be done today but I mention that having in mind future evidence. Perhaps we could then avoid having to make copies and I can return the maps to the company.

THE CHAIRMAN: If you will just speak to the secretary and let him know the size of what you want it will be provided.

MR. LEWIS: Very well, sir.

THE CHAIRMAN: I suppose, Mr. Lewis, that if you had something of that kind it would have to be over on that side so that everybody could see it.

MR. LEWIS: Yes sir. I think that is feasible. I have not looked at all of them but those I have looked at are pretty clear plans.

THE CHAIRMAN: They could be seen at that distance, could they?

MR. LEWIS: I think so, sir.

THE CHAIRMAN: We will try, anyway.

BY MR. LEWIS:

Q I notice that on page 6 and page 9 and maybe another page as well but at least on those pages the lead unit was an "A" unit?

A Yes sir. This is the same unit, as a matter of fact. It just so happens it is the same unit.

Q A car body type?

A Yes sir.

Q Would you tell me, please, how the head end trainman made his running inspection of the train on those units?

A Well, on the one outlined on page 6 one of these trainman was a rather tall man and he made several of his running inspections by opening the door of the gangway and squatting and looking back along his train. They changed over at Ramsay when they inspected, and the second trainman who occupied the cab of the locomotive was somewhat shorter and he opened the window in the doorway and put his head out of the window.

Q So that on that type of unit this man had opened the window in the door and the first one squatted and I suppose he held on to the door handle and some railing?

A Yes.

Q To give himself support?

A He would hold the door and grab the rail on the outside.

J.N.Fraire

- Q And the other man, the shorter man, opened the window, rolled the window down or
- 9 opened it?
- A It slides down.
- Q He had to do that but because in those units you can't look back through any window that is back there?
- A That is right.
- Q As you can with a road switcher?
- A There is no rear window in the cab.
- Q Just follow me. This taller man is the man that is referred to on page 6, is it?
- A Yes sir.
- Q The fellow who squatted?
- A Yes sir. He did not do it every time, but he did several times I noticed.
- Q I have a little difficulty to understand, if that is what happened, how he could glance ahead and maintain the forward control and make the running inspection which you say took about a minute.
- A His head would be out through the door from the ~~east~~ side of the train; he would lean out.
- Q He would be leaning out and holding himself on and looking back and turning his head forward?
- A That is right.
- Q With his arms hanging out?

A That is right. When he was standing up he could do the same thing.

Q You say, "Head trainman, fireman and engineman made several running inspections consuming about one minute but in each case glanced ahead as required according to train speed to maintain adequate forward lookout." Are you sure that the trainman glanced ahead equally with the fireman and the engineman, in view of his position, when he was making his backward inspection.

A Well, the intent in that is this, that before he started to look back he was looking ahead and he knew how far he could see, and then when he started to inspect back on his train, when he started to approach the point where he was beyond where he had seen previously and under circumstances where he was, he would look ahead, too.

Q Did he?

A Yes, certainly. I would not put it down if he did not do it.

Q Did you see the fireman do it as well?

A Yes, I watched them all; that is what I was doing there.

Q I am also instructed that if you are making a running inspection on your train that way by looking back --

A Yes.

J.N.Fraire

Q That you would lose your place and your inspection would not be very effective if you kept on looking forward for ten or fifteen seconds during the minute of the inspection.

A Oh, I do not think that is so, Mr. Lewis. Every train has got distinguishing portions to it. You might have a tank car or a car leaning over a little more than the others, bigger box car, automobile car there and you always make your mark and look ahead and look back.

Q That is the way it is done?

A Oh, sure.

Q As to the time that this rear running inspection of the train took, did you actually estimate it or is that the actual time? Is the ten or fifteen seconds an estimate?

A I timed it; I have got a second hand on my watch; I timed it and averaged it out, as a matter of fact. Up in that country there were very few occasions when it exceeded 15 seconds because there are so many rock cuts and curves there. The tangents between the curves are short in many cases, rock cuts, and things of that nature.

Q I was wondering whether it was an estimate on your part?

J.N.Fraire

A No, sir, I was timing it and averaging it myself as I went along. Any of the ones that were longer than the general run of them I timed them and made the notation accordingly.

Q I asked that, Mr. Fraire, to be fair because the men involved have instructed me that they took a lot longer on their inspection.

A Well, I think that perhaps that is so. If you do not actually time it you think maybe that it is longer or shorter. As I say, I was timing them with the second hand on my watch. I have recorded what I timed.

Q Please turn to Exhibit 111 for a moment, Mr. Fraire. I would like briefly with your help, Mr. Fraire, to nail down what may appear obvious; I do not know. I refer to these crossing accidents, 1956?

A Yes sir.

Q You note that 27 per cent were cases in which highway vehicles hit rolling stock. I suppose it follows that the remaining 73 per cent were cases in which your car hit the motor vehicles?

A Yes, that is right.

Q Yes?

A Or cases were you could not tell who hit whom.

Q I suppose there are those?

A When they get an engine and a car together.

J.N.Fraire

it is pretty hard to tell who hit/ ^{whom} but when the vehicle hits back behind the front of the engine you know it hit the train, but in circumstances where the two come together, why, it is a little difficult.

Q In other words, in 73 per cent of the cases the contact was on the front, as it were?

A Yes, sir.

Q And the same thing applies in the next one where you say 19.6 per cent of the accidents occurred where the crossing was protected. I assume that the difference between that and 100, which, I suppose is 80.4 per cent, occurred on unprotected crossings; right?

A Yes, that would be right.

Q I do not want to waste time; the same kind of arithmetical result would follow as to your figures with regard to the crossing accidents with freight trains only?

A That is right.

Q Some 70 per cent would have been accidents at the front and some 85 per cent at unprotected crossings?

A That is right.

Q Now, in view of your suggestion yesterday, Mr. Fraire, that there is very little an engine crew can do about a crossing, I wonder whether you remember -- if you do not would you be good enough to obtain the file of

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the crossing accident that occurred at Horner Avenue, Canpa subdivision at 12.30 a.m. on September 2, 1956.

A September?

Q September 2, 1956, 12.30 a.m. If it does not ring a bell there is no purpose in my asking questions about it at this time?

A It does not ring a bell.

THE CHAIRMAN: Or flash a light.

BY MR. LEWIS:

Q I understand an investigation did take place, Mr. Fraine, so that there should be a file on it?

A I will look, sir.

MR. SINCLAIR: Is there anybody here acting for the car driver, or anything like that.

THE CHAIRMAN: I think Mr. Lewis is pretty busy otherwise.

MR. LEWIS: If I did not know my learned friend meant it in jest I would feel hurt at the suggestion.

MR. SINCLAIR: We will leave names out.

BY MR. LEWIS:

Q I would like to turn to Exhibit 113 just again to enable my research work to be accurate. The miles of main track which you give for the Atlantic coast lines, which is the fourth railway from the bottom, am I right in summarizing in view of some material I have

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seen, that included in your mileage is also the Louisville and Nashville, L and N Railroad, which apparently is part of the Atlantic coastline consist, to use a word you used.

A I cannot tell you that, Mr.Lewis; I would have to look it up.

Q I just want to be sure of what exactly is covered here for purposes of looking at it further. I want you to turn for a minute to Exhibits 114 and 115 in order to enable me to discuss several points with you. The first point I would like to discuss with you, Mr. Fraime, is this method of payment which has been put forward generally as the payment of firemen. I think you said that they get paid miles and hours, whichever is the greater, or something like that?

A That **is** right.

Q Well --

A You are speaking of road freight service?

Q Yes. By looking at Exhibit 115 I suggest to you that what the fireman -- I suppose the same is true of the engineer -- gets paid is a rate of pay per hundred miles; that is the starting point; right?

A That is right. His basic pay is -- his day's pay is expressed per one hundred miles, yes.

Q And, then, if the orun is over a hundred miles

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he gets money in ratio to the excess over the one hundred, to the one hundred?

A Yes, there is a chart in his schedule that shows the calculation; that is the effect of it.

Q The point is, if his run is 125 miles he will get one and a quarter of the basic one hundred mile pay?

A That is right.

Q And the hours do not come into it at all so long as they are within the 125 miles run?

A Yes, ten hours.

Q Ten hours; so the hours only come in, is not that right, if making the 125 miles takes him, for one reason or another more than the ten hours. Then he is paid something in addition to the pay for the 125 miles?

A That is right.

Q Then, Mr. Fraime, with respect to the initial and final terminal delays, payment for that is payment for work done, is it not, in addition to running forward from switch to switch?

A That is right.

Q If one assumes, for example, that there has been no delay -- that the train does come in -- in the sense of having to wait for room in the yard, or not delay when the train is being

pulled out, then, either the final terminal delay or the initial terminal delay would cover the time required to get the train out, doubling up, or whatever may be necessary, and attaching the engine to the train and get going; right?

A That is right.

THE CHAIRMAN: Would you just say that again; I am not sure that I followed it.

BY MR. LEWIS:

Q Well, if I may, I will split it up in two. You may have a part of the delay owing to the initial and final terminal delay. You may, I am instructed sometimes have it owing to actual delay in either getting into or out of the yard? That sometimes happens where you have to wait until you are permitted in?

THE CHAIRMAN: That time would go toward making up the ten hours, or any excess of ten hours.

MR. LEWIS: I was going to cover that in a moment sir. I have not yet come to that, but for the moment I am suggesting that if you do not have a delay where you are just sitting and waiting -- and you are paid for that as you should be -- then the intial or final and terminal delay represents the work in the final case of bringing the train in and yarding it. In the case of the initial terminal delay it is getting the train coupled together and pulling it out.



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BY MR. LEWIS:

Q Now, Mr. Fraire, if you make the 125 miles in less than the 10 hours and your initial and final terminal delays do not add up to more than the difference between the time you have taken and the ten hours do you still get paid for the initial and final terminal delays?

A Say it again.

Q Suppose you took eight hours to run across from switch to switch instead of ten hours --

MR. SINCLAIR: What my friend is mixed up about is what we asked for and did not get.

THE CHAIRMAN: Mr. Lewis is coming out of that.

MR. LEWIS: I am sorry, Mr. Chairman, the point of my question was wrong.

BY MR. LEWIS:

Q If the run is less than 100 miles, then the initial and final terminal delays are used to make up the short day, is that correct?

A That is correct.

Q And if it is over 100 miles they get paid the initial and final terminal delays?

A Did you say initial and final?

Q Yes?

A As I understand it, the short run clause only absorbs final delay and not initial delay.

Q If the run is of less than 100 miles, then the final delay is used to make up the short day?

A That is right.

Q In other words, if they run 100 miles in six hours instead of eight and they have a final terminal delay, they do not get paid for that?

A No, it does not work that way. It works the other way. If you run 80 miles, we will say, then the final terminal delay is used to make up the short day. Once you have made 100 miles, that is 100 miles.

Q And you get paid for that no matter how long it took you?

A That is right.

THE CHAIRMAN: I wonder if you and Mr. Sinclair could agree on a memorandum of just what you have covered, initial and final delay, that is, when it stops and starts, and then what happens after that, and then the final terminal delay, so we would have it all in one place, because this subject has been discussed a number of times in different terminology and I think if we had something it would be of help. This is clear, there is no difference to speak of between you, and if you would just prepare a memorandum on that.

MR. LEWIS: We would be glad to do that.

MR. SINCLAIR: If I may, I suggest collecting the three clauses, start at the time they come on pay until the time they go off pay.

MR. LEWIS: So you would have the preparatories, delays and running time.

THE CHAIRMAN: Thank you.

BY MR. LEWIS:

Q Now, with regard to Exhibit 115 and Exhibit 115A, which Mr. Sinclair filed yesterday, Mr. Fraine, you have lodged with the company, I understand, both in your headquarters and in Montreal and at the various points, copies of the trip tickets that the crew of the train make out, so that you have a record of the actual time which the runs

take?

A The trip tickets come into the timekeeper's office. I do not know how long they are kept there.

Q What I am suggesting to you is that you have some way of finding out how long these various trips which you set out, these various runs which you set out in Exhibit 115, how long they have actually taken?

A Yes, I think that could be determined.

Q The reason I ask you that, Mr. Fraine, is that I am instructed, on the basis of time tickets, and I am going to put these figures to you and ask you whether in your experience they may be right -- later on the positive evidence can be put to the Commission -- I am instructed that one trip west on No. 951 on the Moutain Subdivision -- I am dealing with the Moutain Subdivision, on one trip west it took seven hours?

MR. SINCLAIR: I wonder if, in order to speed things up a little bit, this would suit my friend? What I think he is asking for -- you do not need to go to the trip tickets which are payment documents, but we can get certain information off the train sheets, the despatcher's train sheets, and rather than go one by one, if he would take a relatively short period or two that would occur to him to meet his requirements, a representative period which would be reasonable and fair, we could maybe

get what he wanted and just file it.

THE CHAIRMAN: I think Mr. Lewis was asking for specific train runs, No. 915.

MR. SINCLAIR: What I think he was asking the witness for was based on trip tickets that his clients have given him, so if he wanted us to make an analysis of time arrivals, those are timetable arrivals and this is an analysis, as we call it, of time arrivals in the various subdivisions or how much off, for a period, I think that would meet his requirements.

MR. LEWIS: I agree, Mr. Chairman. I might explain the point of this. My instructions are that the time which men in the Mountain Subdivision actually take going over the runs on trains 948 to 951, which are set out on sheet 2 of Exhibit 115, that those times, in the overwhelming majority of cases, are considerably in excess of the time that the time card shows, for various reasons.

THE CHAIRMAN: The time card or timetable?

MR. LEWIS: Yes, the time card or timetable sets out that kind of comparison. It will be my submission, if my information proves to be correct, that that kind of comparison will still leave a time factor in connection with the Mountain differential, an unimportant one.

MR. SINCLAIR: My suggestion is that -- I do not know what this will show because I have not

looked at the train sheets, but we could get them out and we could do them for a representative period and see what it shows. Then, if my friend feels that is not doing full justice to his submission, he might ask me for some more. If that would be satisfactory to the Commission and my friend, I think it would be speeding things up.

THE CHAIRMAN: You are speaking of the two trains you mentioned?

MR. LEWIS: No, I was just going on, Mr. Chairman. If my friend is undertaking to do that, those two trains are symbol trains, that is, they are trains given on a time card or timetable. In some of the trip ticket books I have seen I have noticed men go out on many extra trains as well which would not be in the timetable, which would not be symbol trains, and that they form a very considerable part of their month's journeys. In some cases there may be some way freights, although I understand they are not important to the picture in the Mountain differential problem. Therefore, I would respectfully ask that my friend, when he looks through these train sheets, get the time taken on the extra trains as well as the symbol trains.

MR. SINCLAIR: I would be glad to do that to complete the picture.

MR. LEWIS: I think a month or two months will do it.

MR. SINCLAIR: What I will do is speak to the Chief of Transportation and see what can be done.

I think I could set out something that would be representative without making us go to too much work. I will show it to my friend, and if he wants more then I will see what can be done.

THE CHAIRMAN: Is this limited to the Mountain Subdivision?

MR. LEWIS: In my mind it is limited to the Mountain Subdivision, but I should imagine my learned friend might want to do the same thing for the others in order to make a comparison as he has made to the Commission, and perhaps that would be more helpful to the Commission.

THE CHAIRMAN: The exhibit is on a comparative basis.

MR. LEWIS: Yes, so the other should be too.

BY MR. LEWIS: Now, I have just one final point, Mr. Fraine. You were not asked this in direct examination, but I am sure as General Manager of the railway you know about the numerous general orders issued by the Board of Transport Commissioners or its preceding body with regard to safety appliances and safety standards; you know of them, no doubt?

A I have seen a number of them. I do not have a photographic memory with respect to them.

Q Have you ever seen a pamphlet published by the Board of Railway Commissioners for Canada, as it was then called, General Order No. 102 and amendments?

MR. LEWIS: I should like to file that as an exhibit, Mr. Chairman.

EXHIBIT No. 118 -- General Order No. 102 and amendments, Board of Railway Commissioners.

BY MR. LEWIS:

Q Have you ever seen that? I do not propose, Mr. Fraine, to ask you more than one question on it. I am just interested to know whether you have seen this or recall seeing this and studying it?

A Well, I may have seen parts of it. I do not recall having seen it just in that form at the moment.

Q Have you heard of order of the Board dealing with tell-tales, dated away back July 19, 1910, Board Order No. 61?

A Well, I will accept that there is a Board Order for it. We maintain them.

Q Then, Board Order No. 66, dealing with air bell ringers, does that ring a bell, dated November 3, 1910?

A What page is that at?

Q I am not sure it is in this pamphlet. I do not think it is, Mr. Fraine.

A Are you referring to locomotive bells?

Q I think that is what it deals with. Well, in the case of all of these I have something to address to the Commission after I establish this. In the case of these various orders of the Board of Railway Commissioners and the Board

of Transport Commissioners, do you know the attitude of your company towards the various safety appliances and safety standards expressed in those years while the hearings on these subjects were taking place?

A No, I could not know that. My goodness, going through all these, some of them were before I was born.

Q I did not get your age, but if 1910 was before you were born I am older than you are?

A I was born in 1912, if that has any bearing.

MR. LEWIS: Mr. Chairman, I respectfully submit that it is of relevance to the subject which this Commission is investigating to find out, from the only source available, as to the position of the Canadian Pacific Railway through the years on questions involving safety devices, safety rules and safety standards.

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There has been quite a large number of general orders of the Board of Railway Commissioners and fewer in number issued more recently by the Board of Transport Commissioners, dealing with the general field of safety rules, safety standards and safety devices. I could not help but notice when going through some of these orders that in the preamble there is frequently a legend -- using the word "legend" in a technical and literary sense -- to the effect that the matter had been initiated by one or other of the brotherhoods. I do not recall seeing one of them having been initiated by the railway or railways. Some of them were initiated by the board apparently of its own motion or by officers of the board.

MR. SINCLAIR: I would like to say just a word as to that. I am sure my friend may not know this, but it is the practice under the Railway Act, under the section that these orders are issued under, which I think is Section 290 of the present act, that the Board has a certain jurisdiction and looks to the railway company to operate and carry out safe operations. It does not take action by setting down a matter for hearing or inspection except on complaint or if the inspectors of the Board in making their inspections see something that they bring to the attention of management. Sometimes there is what we could call loosely a round table

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conference at which these things are discussed.

But the general practice is for the Board to say to the railway companies, "You have your duty to operate safely; we have jurisdiction which we exercise on complaint or where our inspectors see something; we ask you to fix it, we discuss it with you, and if you do not do it then we will set it down." That is the way it acts.

While my own knowledge of these things is not as great as that of many, many of those who have worked in this field, nevertheless I have been on a number of cases. While there have been cases where undoubtedly the complaint -- shall we call it the complaint -- or the request of the Board to take action would be filed by the Brotherhood, and the Board after hearing all things would make an order, that does not necessarily mean by a long run that they make an order in accordance with the request. It means that the request may have been substantially greater than the Board order and that the railway was not prepared to meet it and the Board felt they wanted a further inspection.

I know in some instances a request made by a brotherhood, after inquiry the Board has felt that they were unreasonable requests, unnecessary requests. There are some of those. One I can remember in particular was one in which

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one of the brotherhoods alleged that for certain safety reasons additional men were required. The Board after going into that and calling a substantial amount of medical testimony and so on decided that the suggestion put forward by the Brotherhood was not to be supported.

You cannot generalize in these matters. I do not know how many Board files we have in the Canadian Pacific, but my recollection of the number I was dealing with recently was that it was something over 10,000.

MR.LEWIS: I was not going on to ask my friend to produce everything, certainly not anything like that number. My friend has expressed eagerness in explaining some of the things of which I was not ignorant. My friend's eagerness in wishing to explain them makes me all the more eager to put a point to you.

MR. SINCLAIR: I do not think it is a matter of eagerness, it is simply that my friend is making a statement in a way that is attempting, if I may say so to leave an impression that is not correct.

THE CHAIRMAN: That is not the way I understand it.

MR. LEWIS: MR.Chairman -- .

THE CHAIRMAN: Mr.Lewis is making an application only, and he has not finished making his application. You interjected an explanation

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which we are glad to have.

MR. LEWIS: May I say, with your permission, to the Commission and to my learned friend, that I am not making any insinuations or giving any hints. Now that my friend has goaded me I make the statement that my investigation has convinced me that frequently this railway and other railways have opposed what later became Board orders because of the cost involved.

The formal request I was going to make and which I think this Commission has the power to grant under the order in council is to request from the Board of Transport Commissioners the files relative to the various orders set out in the pamphlet which is now Exhibit 113, and a number of other orders which with your permission I should like to place their numbers on the record.

THE CHAIRMAN: If I understand what you have in mind, and what Mr. Sinclair has said, the railway in common with other railways in Canada has an obligation to operate safely, putting that precisely, and Mr. Sinclair says that the railway has covered that field in part at least. They have done from time to time certain things and **instituted** certain practices and adopted certain devices in the interest of safety. I am just saying what I think he has in mind. He is saying that sort of thing does not get into the records of the Board at all because they have



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been put in by the railway without any complaint or without any dispute. It is only where accidents have taken place, that specific things that are alleged to be unsafe come to the attention of the Board, either by a Brotherhood asking that certain things be done to **prevent** a similar accident or the inspectors of the Board asking that certain things be done and then the Board passes on that sort of thing and makes an order, or does not make an order, or makes a part order.

So that I suppose that what Mr.Sinclair is aying that if we get these files we would be only covering part of the field. I do not know whether that is what you mean or not. Is that what you mean, Mr.Sinclair?

MR. SINCLAIR: That is correct.

THE CHAIRMAN: What you have in your mind, Mr. Lewis, I suppose is that taking the records of the Board which would cover just part of this field, you want to extract from them the attitude which you say the railway has shown that is relevant here because its having opposed certain applications in the past that would indicate that the railway has no interest in the safety of its employees and that we should approach this matter as though the railway in suggesting that firemen be eliminated are not interested in safety. Is that what you have in mind?

MR. LEWIS: I tried to be fair. I don't

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think I would be justified on what little knowledge I have to say that the railway is not interested in the safety of its employees. I did not mean to say that and I would not because I think that would be an unjustifiable statement made as boldly as that.

But it is my impression from the studies I have made that when the railway is confronted with a request for safety devices involving cost that the cost factor has in many cases taken in the railway's mind a more important aspect than the safety factor, and that a good many safety rules and safety devices and appliances and standards have been imposed by the Board or its predecessor against the railway's opposition, and that the pre-eminence of cost factors in the railway's mind which these files may reveal -- I have not seen them and I do not know what they contain exactly -- that that is something to which the Commission should give some attention.

If there is a history, as these orders incline me to think -- there may well be in the files indication of the railway's opposition to safety appliances and safety devices and safety rules because of cost, and that those appliances, rules and devices had to be imposed on the railway against its opposition, then I think that is a very relevant factor in my respectful judgment

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to be considered by this Commission on the issue now before it.

MR. JUSTICE McLAURIN: You have access to the records of the Board of Transport Commissioners?

MR. LEWIS: No, they have told us I have not. Of course, we would have to the public documents.

MR. JUSTICE McLAURIN: You could identify what they are?

MR. LEWIS: Oh, yes I can identify the Board orders and their dates.

MR. JUSTICE McLAURIN: I hope I am not usurping the Chairman's functions, but I rather think he will endorse the suggestion that we do not want to get into the position of initiating evidence. If you have anything of that kind that you want and the Board will not give it to you, I have no doubt the Chairman will help you to get it.

THE CHAIRMAN: I was coming at that. The long way around. I was just going to say, would it not be satisfactory to you to take it that the cost of keeping firemen as against dispensing with firemen would be a very large cost and certainly would have an influence in the employer's mind. What my brother has said is by all means the position we will take. As a matter of fact, if either party thinks there is anything relevant that you should have before us and that we should have, we want to see

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it. I was just wondering whether you could not assume that, and that is why I asked you just what you had in mind in this application.

MR. LEWIS: Witnesses have been called by my friend in an effort to impress upon the Commission the safety consciousness of the railway.

I do not doubt that it is safety conscious short of the cost that maybe involved, but I think it is relevant to see what its record is when cost is involved in the question of safety.

HON. MR. MARTINEAU: It would seem that I have heard words like that from officials of public corporations about railway crossings which should be better protected with a zigzag signal or gates, which devices are supposed to be too costly.

MR. LEWIS: All of that is involved, Mr. Justice Martineau, and what I am prepared to do is either put it on the record now or type a copy and give it to the Commission secretary, whichever you instruct me to do. I will set out the orders in respect of which I respectfully request the Commission's assistance to obtain the files.

HON. MR. McLAURIN: You either put them on the record or you do not put them on the record. We do not want to be in any half-way house.

MR. LEWIS: No, I have them right here and I will put them on the record.

HON. MR. McLAURIN: Put them in as exhibits.

MR. LEWIS: Well, they are files. Sure I will put them in as exhibits if the Board

of Transport Commissioners will give them to me.

HON. MR. McLAURIN: We are in a sort of trial here and each of you is making a record. We should not look at anything that is not of record. I am not going to look at it unless you get ^{it} in some way. You might tell me to go back to the hotel this evening and read the Gideon Bible but I want it filed as an exhibit before I am going to read it in connection with this hearing.

MR. LEWIS: I do not know of any witness who could identify it in the sense of identification at a trial, Mr. Justice McLaurin. It is still a very true document in spite of that.

THE CHAIRMAN: Invoking the doctrine of similar cases, Mr. Lewis, if you file with the secretary what you want we will deal with it and try to get it for you.

MR. LEWIS: Right, sir, and they can all be filed as exhibits as far as I am concerned.

THE CHAIRMAN: The board may have its ideas about this sort of thing. They may want you to go and see them or they may want them brought here. I do not know, but if you give us your memorandum we will see what we can do about it.

MR. LEWIS: Thank you.

THE CHAIRMAN: Mr. Sinclair?

MR. SINCLAIR: I just have a couple of minor questions in re-examination, Mr. Chairman.

BY MR. SINCLAIR:

Q Yesterday morning in his cross-examination my friend, Mr. Lewis, referred you to the historical development of the road locomotive and I made a note that he went on to say that as a result of this trains were able to move faster over the road. The question I wish to put to you, Mr. Fraine, is this. Has the introduction of the diesel affected the actual speed in miles that ~~trains~~ move between terminals?

A No, not in that sense. The improvement in train times terminal to terminal results from the fact that the diesel locomotive does not require as much servicing. It is not an increase in track speed. That has been essentially the same for some time.

BY HON. MR. McLAURIN:

Q An increase in availability?

A To a degree, yes, and the fact that a diesel locomotive perhaps makes a little better time on grades than a steam locomotive does and it does not have to stop for coal and water and it does not have to have its fire cleaned.

BY MR. SINCLAIR:

Q You say it makes better time on a grade. That was my next question. The diesel locomotive has an advantage in handling

trains on grades?

A Well, the diesel locomotive as opposed to the steam locomotive, a diesel develops its maximum horsepower at low speeds. The faster it goes the less horsepower it develops, and the steam locomotive is exactly the opposite. The faster it goes the more horsepower it develops. So that the advantage of the diesel is in lifting and starting a train and in handling it under circumstances where there are grades.

Q For instance, steam locomotives like the 2300's, a photograph of which was filed as an exhibit, and the Hudson class locomotives, the 2800 class, which are well known, can they run as fast as the highest geared diesel engine on the railway?

A Yes, a 2800 is counter-balanced to run at 90 miles an hour and the fastest diesel we have is 89 miles an hour and we only have 56 of them -- 58.

Q Now, has the diesel not enabled an improvement in train operation by preventing assisting engines being required and running light against traffic and with traffic? Has that been a factor in improving safety of operations and efficiency of operations?

A Oh yes.

Q Has the diesel affected that?

A Well, the diesel has practically -- to my knowledge, it has eliminated assisting engines where the territory has been completely dieselized.

Q Then there is another factor, Mr. Fraine, that arises out of the questions of my friend. I ask you to turn your mind back to the days of the grain rushes that used to take place in Western Canada and the movement to the Lakehead when the company's freight motive power was largely the D-10 class, one of the exhibits filed, and say what the effect has been with the larger motive power, both steam and diesel, say the P-1's and P-2's, the 5100's, 5100's and 5300's and then the diesel. Has that affected your operation safety-wise and efficiency-wise?

A Well, the D-10 engine handled short trains and therefore to handle the volume you would require more trains, and to the extent that larger power, both steam and diesel, has been able to handle larger trains, they have reduced the numbers and that improves efficiency and to a degree it may have some effect on safety.

Q Now, my friend also asked you some questions about how hooped up orders were taken on the engine, that is,

orders hooped without the train stopping as it goes through an intermediate station. He asked you as to who would take those orders hooped up. Do you remember that point that he made?

A Yes.

Q Now, Mr. Fraine, on a passenger diesel, if the train order board indicated that orders were to be received on a hooped up basis, I think your evidence was that the train order board would be at a 45-degree angle --

A That is right.

Q Which would indicate to the engine crew they were to pick up orders in motion?

A Yes.

Q We are on a passenger diesel and the station is on the engineman's side.

A Where did you say?

Q On a passenger diesel and the station is on the engineman's side.

A Yes.

Q Who would get the orders and how would he get them generally?

A Well, I have seen it done both ways. I have seen the engineman get them and I have seen other occasions where the fireman goes over and opens up the gangway door and gets them.

Q Leans out and gets them?

A That is right.

Q And on freight trains is there an invariable practice as to who would pick up orders on the hoop on the head end?

A Oh, I would not say it is invariable. Usually the trainman does it but there are occasions when the engineman or the fireman might do it. I have seen that done.

Q Now, just before adjournment yesterday my friend was asking you certain questions about Medonte, and I think you have dealt with that again this morning. I just cannot put my finger on this because I have not seen the transcript before but you can correct me if I am wrong. I think ~~you~~^{he} said that when the signals were given through the engineman the move would take 45 minutes but if they were given to the fireman they would take 20 minutes or something of that nature -- 25 minutes.

MR. LEWIS: I think I asked Mr. Fraine whether a certain test had been made and told him my instructions were that a test had been made and that it took 45 minutes.

MR. SINCLAIR: You added something about 20 minutes.

MR. LEWIS: And then I said I was instructed that the other way took about 20.

BY MR. SINCLAIR:

Q Mr. Fraine, you mentioned this morning that you had checked and that the test

indication, the time taken for the move on the fireman's side was 40 minutes. Was that right?

A That is correct.

Q Not 20 minutes?

A That is 40 minutes setting out 30 cars with the ~~the~~ head trainman doing the work alone on the fireman's side.

Q And in your opinion could the move be made -- well, I think you have already said in your evidence that the move could be made in your opinion just as fast using all three crew members and more safely. That is the way you put it this morning?

A That is right.

Q Can you think of a combination of circumstances -- oh, by the way, have you ever been able to develop with the company any test that showed that by using the fireman you could do it in 20 minutes, any test made by the company in this location?

A Not so far as I know. I spoke to the superintendent on the long distance phone and he said the only test that he had made was the occasion when it took 40 minutes with the work being done by the head trainman on the fireman's side.

Q Based on your own observation can you see a difference between the movement

being done in 45 minutes by doing it on the engineman's side and less than half that time by using the fireman? Can you contemplate that move in that situation?

A No, I would say it cannot be done in half the time.

Q I noticed in your explanation to Mr. Lewis that you said that the fireman at one time said that he could not see him very well but in point of fact he could not see him at all. Is that right?

A That is right.

Q Under the rules, what should the fireman have done at that time?

A Well, under the rules Rule 7(a) should have been applied.

Q And what does that mean?

A Well, the movement should have been brought to a stop.

MR. SINCLAIR: Now, I do not know if my friend has overlooked this. It is not really a part of my re-examination. I do not want to delay the Commission, but my friend gave the witness a couple of files yesterday.

MR. LEWIS: Oh yes, that is right.

MR. SINCLAIR: I may have some questions arising out of that. I don't know.

MR. LEWIS: Thank you, Mr. Sinclair.

BY MR. LEWIS:

Q I asked you to look at these files and these files, as I recall them now, disclose that in both these cases the fireman was receiving the signal?

A I did not take that out of it, Mr. Lewis. The Mission City file, the fireman was taking the signals.

BY MR. SINCLAIR:

Q What about the other one? What is the name of that?

A The other is at Lachute.

Q Quebec?

A Lachute, Quebec, yes.

THE CHAIRMAN: You had better keep these things separate as you discuss them.

BY MR. LEWIS:

Q The Mission City file, you say the fireman was taking the signals and I asked you whether there was anything in the file to indicate that any official of the company had objected to his doing so?

A No, there is nothing in the file to that effect. However, as I understand the situation, if the signals had been given to the engineman using the three members of the crew this accident probably would not have happened, and that is one of the reasons why I say that procedure should be followed. This is just a

. good example of it.

Q What did you say -- if you had used ^{the} three members of the crew --

A The signals could have been given to the engineman.

Q And what is there in here that makes you suggest that this accident would not have happened?

A Well, I would think then that they would have been able to give the signals directly to the man who was controlling the movement and the reason this accident happened was because the signal did not get to the man who was controlling the movement.

Q Have signals never failed to get to the engineer when they have been given straight to him, Mr. Fraine?

A Oh, I would not say that, Mr. Lewis.

Butt
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J. I. Fraine

- Q You are really not in a position to decide whether or not this accident would have occurred had signals been given differently?
- A I would suspect that it would not; no reason why it should.
- Q That is your opinion, but signals have frequently been lost to the engineer when given on that side. "Frequently" is the wrong word. Signals have been lost to him or he misinterpreted them.
- A Yes, enginemen occasionally misinterpret the signals.
- Q Anyway, the point I was making there was that there is nothing in that file that discloses any objection on the part of your officers to the fireman having received the signals?
- A That is right, nothing in there to that effect. You see, this one at Lachute does not disclose that the fireman received the signals.
- Q This reads:

"We were going to clear the engine and one car by backing east on the siding. Trainman X was standing at the siding switch on the south side. We started the movement out of the stub siding and after the engine and car had cleared the siding switch, I looked back, and on receiving a back-up signal from X,

"I relayed it to Engineman X, and he immediately started movement east into the siding."

- A Yes, that is right. It does say that, Mr. Lewis, but that was a very unusual circumstance. I have been around the railroad 30-odd years; I never heard of anybody trying to move a drop in that manner before. As a matter of fact, in that particular case the man who lost his life and who started this movement in the manner in which it was done and insisted on it being carried out that way was, when the thing started, on the engineman's side and the other man was on the fireman's side because he was at the switch.
- Q I understand that it was, from what I can see in the file, a very unfortunate occurrence.
- A Unfortunate and very unorthodox.
- Q Unfortunate and very what?
- A Unfortunate and very unorthodox. I never heard of anybody trying to do it before.
- Q What I am interested in is this **was** in 1952. Is there anything in this file or anything in the files of your company, if you have had a chance, or anybody else, to look at them, which indicates any officer of the company taking objection to the fireman being given the signal?
- A No, there is nothing in that file to that effect. If the job had been properly done, as the conductor had instructed that it should be done,

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J.N. Fraine

then the signals would have been given on the engineman's side, and they would have set the cars out in proper manner instead of trying to do what they did do.

Q The point I am making is this. Do you know of any files that disclose objection by the company prior to February, 1956, to the firemen being used as signal passers, any file at all?

A I don't have that kind of memory, Mr. Lewis; I just cannot remember things like that offhand.

Q Do you really think there is one, if I may ask you for your opinion or conclusion?

A Well, I would not like to express an opinion.

MR. LEWIS: That is all.

BY MR. MUNDELL:

Q I have one or two questions, if I may, Mr. Chairman. Going back, Mr. Fraine, to the method of road operations, and this is actually partly to satisfy my curiosity and partly to fill out the general picture of the road operations on train order and otherwise. I would like you to start back at the beginning, if I may, so we can get the general picture. Who decides when an extra train will be run?

A You mean the timing of it or -- let me say this --

Q Everything in relation to it?

A There could be several people involved in that. The yardmaster, when he gets a train ready to run, or knows that he is going to have a train ready to run at a certain time, will inform the

J.H. Fraine

despatcher and a check with the despatcher if it is convenient to move the train at the time that the yardmaster sets it.

Q If he is going to be allowed to run it at that time. Between them they agree?

A The decision is then between the yardmaster and the despatcher.

Q And at times --

A The chief despatcher gets into it in the movement of his power. The control ^{of} ~~is~~ it is through the despatching office.

Q That was the next question I was coming to. Having decided on the train, we come to the function of the despatcher in controlling road movements. You mentioned ^{the} / chief despatcher? Does the chief despatcher control what the others do?

A Well, he supervises what the others do.

Q What do the individual despatchers do, then?

A Well, they issue the orders to the trains that are moving over the territory on which they are working; frequently it is one subdivision, sometimes it may be two subdivisions; it depends on the volume of train movement over the territory, how much territory a despatcher has to cover.

Q I take it that would be the scheduled trains plus any extras they have decided on. Is that it?

A That is right, sir. They are moving in

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J.N. Fraine

accordance with timetables, and they handle extra trains on train orders.

Q Well, then, they are always informed, are they, as to how the trains are moving in the particular subdivision?

A Yes; each despatcher has a train sheet which carries the station names in the centre of it in much the same manner as a timetable does, and it has columns ruled vertically and horizontally, and he reports the trains on that sheet as they move; the operators report in to him when a train passes the various stations.

Q On the basis of this information the individual despatcher will make up his mind as to where he will have the trains meet?

A Yes.

Q And sends out the wait orders and that sort of thing?

A That is right, he controls it.

Q That applies to extras, apart entirely from the timetable, or are they all hooked?

A They cannot operate apart from the timetable; the timetable contains schedules which authorize the movement of regular trains. Extra trains must be operated and created by train orders. There is no provision in the timetable to operate them on, but each must still operate with regard to timetables; that is, of the regular trains that are in the timetable.

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J.N. Fraine

Q Would the engineer and the conductor then plan a meet if they had no train order as to meeting a scheduled train?

A That is right; that is the usual practice. They generally try to figure out on the basis of their knowledge of what reasonable running time is between points, or if they happen to be following on a schedule, what their schedule is, and they look to see about where they can go off.

Q Would it be the engineer who would do this? He would not be in touch with the conductor?

A Not in all cases, he is not in touch. Sometimes it is done by consultation with the head end crew members; sometimes it is consultation between the rear end crew members; sometimes it will be one man looking at it and saying where he figures they can go, and the others will then check and see whether they agree or disagree with him, but they all will acknowledge that they have an ~~overdue~~ train that they have got to meet somewhere.

Q For instance, in the cab --

A Not overdue, excuse me. It is a train which is on a schedule which is superior to theirs that they will have to clear.

Q What would happen in the cab? Would the fireman be in on that consultation?

A Could be.

Q Would he be or not?

A Well, he might be.

Q Would the engineer have to clear with the fireman, and if the fireman thought they could not do it, what would happen?

A That is quite a question. That would depend on the individual. Usually the man who is best able to say where he is going to go, where he thinks he is going to go, is the engineman, because he is the man who knows what he can get out of the engine, and he will satisfy himself, **and then** he may say to the fireman or the head trainman, both sitting on the other side of the cab, "I think we can go to 'A' for No. 1," and they will check and say, "Well, I guess perhaps you can"; or, on one occasion, for instance, on the trip that I made from Chapleau to Cartier, and there is a hill approaching ^{Stralack} ~~Strolach~~, and the engineman said, "We are going to need so many minutes going by --"

MR. SINCLAIR: Make it "B".

THE WITNESS: He said, I forget the number of minutes that he used at the moment, he said, "I am going to need so much time passing Pog", or "I can't go --". He said "I will need that much time." He said that, and it was somewhere in around 30 miles away from there.

BY MR. MUNDELL:

Q What did they do, decide on some intermediate point?

A No, he had that amount of time and a couple of minutes to spare when he went by there, and we went to ~~Strobach~~^{Stralok}. At that time we were clearing No. 8 that was following us.

Q That was the decision of the train crew, not any train order that was made?

A No, it was not any train ~~crew~~^{order}. They were clearing scheduled Train No. 8, but the engineman knew that, and if the fireman or the trainman had said, "Well, I think you can go with two minutes less than that and make it", I am quite satisfied that that man would not have gone; he would have headed in at the bottom of the hill. He is the man that would probably make the decision and the other men either corroborate it or may disagree with him.

Q With respect to the statement that has been made in the evidence before, the conductor who is in charge of the train does not interfere with what you have just said about the engineer?

A No, sir, the conductor, the rear trainman would be doing exactly the same thing at the rear of the train. ^{If} /the conductor was not satisfied the engineman had time to go he would open up the air and stop him.

Q Can the conductor then overrule the engineman?

A Yes, as long as he is in reach of that valve.

Q If they disagreed at that point they would pull in, I suppose?

- A If the conductor opens up the air they certainly stop.
- Q Then, they have to go in?
- A Then, they have their discussions afterwards.
- Q They have to make a further movement at that time; they have to get off the line. What happens then? Who protects the move at that point?
- A Well, they would certainly have to get clear, if that were the case and, depending on the circumstances, they might have to provide flag protection.
- Q Leaving that, I have one other thing I would like to be clear on if I may. It has to do with inspections en route. What are these inspections of the train during the road run?
- A You mean while the train is moving?
- Q No.
- A Standing inspection?
- Q When are they required?
- A Well, it is provided for in Rule 111. In the timetable there is a special instruction which reads in this way: "In addition --"
- Q Is this a standard provision in all timetables?
- A Yes, uniform. "In addition to the strict observance of Rule 111, freight and mixed trains will not, unless otherwise provided, run more than 40 miles without stopping for ~~standard~~ ^{standing} train inspection."
- That is the overriding system-wide rule

in that regard. Now, when you come to the individual subdivision in the footnotes on some subdivisions you will find a note to this effect, "Except when weather or other conditions prevent a proper running inspection special instruction 'C' is amended to read 75 miles on those subdivisions", that is 75 miles, but it may be varied to be 50, maybe 60, but it does not exceed 75.

Q At some point before they run 75 miles on that subdivision the train has to be pulled ^{up} ~~off~~ for standing inspection?

A Yes; he stops on the main track unless he has got to clear for another train. If he has to clear another train he pulls into the siding.

BY THE CHAIRMAN:

Q What type of train?

A Freight and mixed train.

BY HON. MR. MARTINEAU:

Q Of what does the inspection consist?

A It involves the examination of the running gear of the train and the draft gear.

BY HON. MR. McLAURIN:

Q What was the answer?

A The running gear and the draft gear, the draw bars.

Q The pull?

A Yes.

The thing they are looking for is perhaps defective wheels, brake rigging down, overheated journals, drawbars that may be pulled or partially pulled or parts missing from them, arch bars and things of that kind. They examine each side of the train just to make sure it is in good running order.

Q What is the procedure in examining each side of the train? You say the trainmen do it?

A They just walk along it.

Q Who walks how far in each direction -- you mentioned that yesterday?

A Yes.

Q The head-end trainman goes back a short distance on one side, and then reverses and goes back the other way?

A Yes.

BY HON. MR. McLAURIN:

Q That is a special case?

A Yes, the rule calls for a train to be given a standing inspection on each side, and one member at the head end when it pulls out, that is particularly looking for sticking brakes and things of that kind. Occasionally when you set the airbrake and then release it, one brake might stick on one car and then you would be dragging

a wheel that had a brake on it.

BY MR. MUNDEL:

Q What are the duties of the engine crew on a standing inspection?

A They have not any with regard to the train.

Q What about the engine?

A They look over the engine.

Q What do they do?

A Well, the engineman -- you are speaking of a diesel or steam?

Q Diesel -- well, either, for that matter?

A It is about the same thing. The engineman usually goes around it on the ground just to satisfy himself everything is in order.

Q What does he look for to be in order?

A The running gear; he is watching the running gear.

Q What about the motive power -- I mean, you are talking now of the wheels and that sort of thing, but what about the engine itself?

A Well, on a diesel engine firemen have been and still are opening the doors on the running board and looking at the engine; some do and some don't.

Q You said the firemen have been. Is

that the responsibility of the firemen or is that the responsibility of the engineer to have that done? Is anybody required to do it?

A No, it is not required to be done in the light of the instructions the company has out.

MR. MUNDEL: I think that covers everything I have in mind.

BY THE CHAIRMAN:

Q Mr. Fraine, is there any requirement for an agent, we will say, at a smaller station where a freight train goes right through without stopping, to come out on the platform and make an inspection of the train as it goes through?

A Yes, sir, the agent or the operator as the case may be, the maintenance of way force, anybody who is working along the railroad has that responsibility.

THE CHAIRMAN: Any other questions?

MR. SINCLAIR: I was just saying to my friend there were two other incidents he handed to me in his examination, one matter involving a C.N.R. engine and a Canadian Pacific passenger train, I think, on March 6, 1957, and I told the witness that he should examine these.

THE CHAIRMAN: Well, do either you or Mr. Lewis desire to examine the witness?

MR. LEWIS: I did not think the witness had time to do that.

MR. SINCLAIR: On this one, I have one question to ask.

MR. LEWIS: Go ahead.

BY MR. SINCLAIR:

Q This Perth junction, New Brunswick, incident which Mr. Lewis referred to yesterday from the brotherhood file, concerning some discipline to the fireman -- did you make inquiries or an investigation or did you consider whether there was any disciplinary action to the head trainman on the freight train?

A Yes, they disciplined the head trainman and the fireman ~~was~~ the same.

Q That is the one point on that file. The other incident Mr. Lewis spoke to you about had to do with an incident in March, 1957, to Train 801 leaving Toronto for Hamilton. He explained that there was contact between ^a Canadian Pacific diesel and a C.N.R. engine, I do not know whether it was steam or a diesel -- a steam engine of the C.N.R. No. 3469. Have you any information on that?

A Yes.

Q Well, what information did you get? What happened?

A Well, the situation was this, that the

Canadian National transfer from their Mimico yard had come to the Bathurst Street trackage of the Toronto Terminal Railway with a steam engine headed west and pushing five or six coaches behind it.

THE CHAIRMAN: Pushing east?

THE WITNESS: Pushing east, and it backed six or seven cars onto No. 2 track. The engine was cut off and moved ahead and stopped at the stop board. All the tracks of the Toronto Terminal Railway in that territory have stop boards.

MR. LEWIS: Have what?

THE WITNESS: Stop boards, it is a board with the marking "Stop". There are special footnotes covering movements from there, but briefly you stop there and wait until you get a hand signal to show that the route is lined up. C.P.R. train No. 801, which was a passenger train proceeding out of Toronto Union Depot stopped at the stop board on Bathurst Street on No. 1 track.

THE CHAIRMAN: It would be going west?

THE WITNESS: It was going west, so that they were stopped side by side. The switch tender, on instructions from the tower man, lined the route for the C.P. train and at that time was north of the north side of the C.P. train. He displayed a proceed

signal to the engineman and he moved, and mistakenly the C.N.R. engine also moved, and the C.N.R. engineer was the man responsible. He looked ahead and thought the signal was for him, and he looked back and saw the other train starting to move and he stopped his engine but in stopping it he stopped foul, and the fireman of the C.P. engine, who was next to the C.N.R. engine, saw the other movement had started up and called to his engineman. The brake was placed in emergency and there was \$25 damage, I think, to our engine. It continued on its run to Hamilton. I do not know what the circumstances were for the steam engine.

THE CHAIRMAN: The C.P.R. train was a passenger train, was it?

THE WITNESS: Yes, sir, but they just both started up and they bumped fenders, as it were.

BY MR. LEWIS:

Q That is substantially what my instructions were. The only point is that if the fireman or someone were not there the likelihood is that the accident would have been greater or more serious, is that not right?

A Well, it might have been somewhat more serious, but that is a passenger train and the fireman was there. If it had

been a freight train there would have been the trainman there.

Q I appreciate your argument, but I say .
the calling of the movement of the
C.N.R. train to the enginemen was of
value in that situation?

A Yes, although I think in that particular
case the switch tender was also displaying violent stop signals when he
saw both headlights go on.

Q But that might have been mistaken again?

A I would think they would have both taken
the signal.

THE CHAIRMAN: Have you any other
witnesses?

MR. SINCLAIR: Yes.

THE CHAIRMAN: Well, we might as
well adjourn now until 2.00 o'clock.

---The Commission adjourned at 12.25 to
resume at 2.00 p.m.

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Tuesday,

April 2, 1957

AFTERNOON SESSION

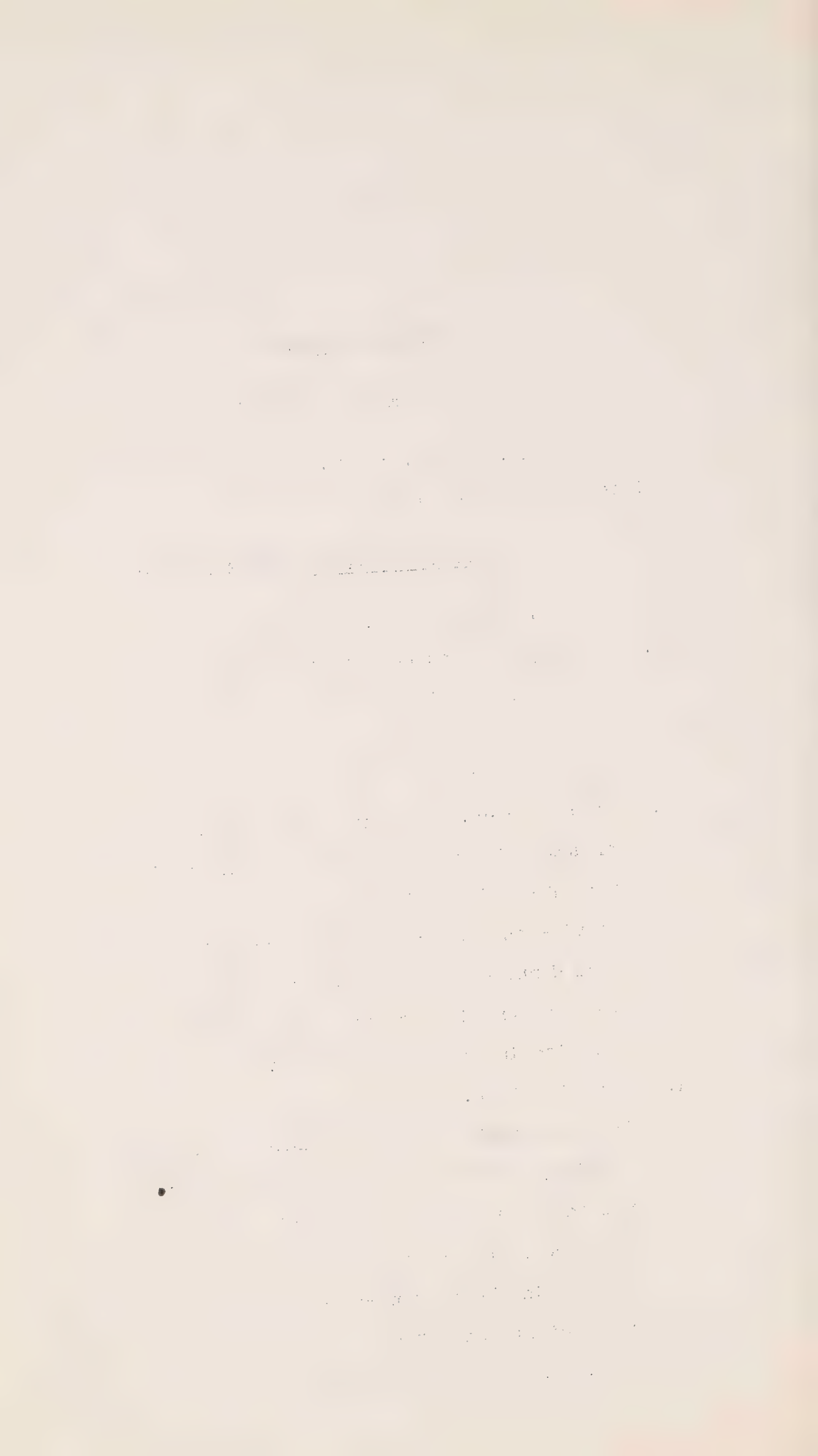
--- The Commission resumed at 2.00 p.m.

MR. SINCLAIR: Mr. Chairman, my next witness is Mr. Arthur McCallum Fraser.

ARTHUR McCALLUM FRASER, sworn,

EXAMINED BY MR. SINCLAIR:

- Q. Mr. Fraser, you entered the service of the Canadian Pacific in October, 1922, is that correct?
- A. That is correct.
- Q. From October, 1922 until May, 1941, a period of some 19 years you were a trainman, in the road freight service, and in passenger service on the Portage division which runs from Winnipeg west, north and south, on the Brandon division and Saskatchewan division in passenger service?
- A. That is right.
- Q. In the twenties you were running in freight service, and when the depression came on you only got the odd trip until about 1937 when you stood for a passenger run, and you ran in the passenger service with the odd freight run between 1937 and early 1941. In 1941 you transferred back into



full freight service on the Portage division, and you ran as trainman on the Portage division between the spring of 1941 and November, 1944. During that time you also were on the list as a spare conductor; and in the last few months of 1944 you had about six trips or so as conductor?

A. That is correct.

Q. In that period you were with the company as a trainman, that is from 1922 through to 1942, you were head end trainman?

A. Yes.

Q. And after that you ran as a rear trainman, and as I say you made a few trips as conductor in 1944?

A. That is correct.

Q. In November, 1944 you were promoted to Assistant Superintendent of the Regina Division, your headquarters being at Weyburn, Saskatchewan, and you held that position for a little over two years?

A. That is right.

Q. You were then transferred as Assistant Superintendent of the Regina Division with headquarters at Regina, Saskatchewan, and you held that position for a little over five years.

THE CHAIRMAN: Is there not some duplication there?

MR. SINCLAIR: No, Mr. Chairman. From 1944 to 1947 he was Assistant Superintendent at Weyburn, a little over two years.

THE CHAIRMAN: I thought you mentioned Regina?

MR. SINCLAIR: That is the southern section of the Regina division of the Canadian Pacific.

BY MR. SINCLAIR:

Q. Is that correct, Mr. Fraser?

A. That is correct.

MR. LEWIS: You have more than one assistant superintendent for each division?

MR. SINCLAIR: That is right.

BY MR. SINCLAIR:

Q. Then at the commencement of 1947 you were transferred to be Assistant Superintendent with headquarters in Regina, and you held that office for a little over five years?

A. Yes.

Q. In February, 1952 you were promoted to Acting Superintendent at Moose Jaw, Saskatchewan-- that is in the Moose Jaw division -- and you held that position for about four months, when in May you were transferred to Lethbridge Alberta as Superintendent of the Lethbridge Division of the Canadian Pacific. You held that position from May, 1952 until February, 1955,



which is a little under three years. You were promoted to General Superintendent of the Saskatchewan District, and you were there for a few months, nine or ten months, when in November, 1955 you were transferred to your present position which is General Superintendent of the Alberta District of the Canadian Pacific Railway, with headquarters at Calgary, Alberta?

A. That is correct.

Q. Is that a correct summary of your experience?

A. Yes sir.

Q. In your experience as trainman on freight service did you run on main line and branch lines as well, or was all your service main line service?

A. It was on both main line and branch lines.

Q. Was your experience as trainman on through freight trains, way freights, and short turns, or was it confined to any particular type of service?

A. I was on through freight, way freight, work trains and passenger trains.

Q. You did not have any short turns, pick-ups?

A. Oh yes.

Q. Now Mr. Fraser, in your experience what is the duty of a head trainman?

A. The primary duty of a head trainman is to

keep a look-out ahead between stations and passing through stations. You also make a running inspection of your train while in motion, and standing inspection when the train stops for that purpose, and for switching at stations if it is necessary.

Q. In your opinion, based on your experience and on your observations, is the head trainman qualified to maintain a forward look-out when a freight train is moving over the road?

A. Yes sir.

Q. Would you please tell the Commission as a head trainman how you make a running inspection?

A. When the train is in motion it is usual to look back along the side of the train, on both sides. It is the usual practice to pick the place where you will make the running inspection, as to curves, and the distance from stations and crossings.

Q. How do you do it?

A. Well, on the left side of the engine, depending on the type of engine, you might look back from the side window, or on a stoker-fired engine there is a slide in the vestibule cab door on the left side of the engine; you would

drop that down and look back that way. On the right side of an engine, on a vestibule cab type, you would open the vestibule door and look back along the side of the train; or, if it was a curtain type cab, you would pull the curtain back if it was fastened, or move it out enough to take a look back along the train. And when you do that you can see your train, and you usually space your inspections so that you can keep a look-out ahead as well as make your running inspection of the train.

Q. How do you do that?

A. Well, by turning your head and listening.

Q. Is that difficult, or is it not, to maintain a forward look-out and also make your train inspection?

A. No, there is no difficulty in it at all.

Q. As you made that explanation, were you talking of steam power or steam and diesel?

A. I was talking about steam power.

Q. Now as to diesel power, how would they do it?

A. On diesel power, it depends on the type of diesel engine; on a road switcher the trainman looks back from the side window on the left side by opening it - it is a slide window that slides in both directions -

and you can look back that way. Or, on a curve, there is a window, a back window, that gives you a view of your train. On the right side of a road switcher type the head trainman either goes out on the walk-way, or he can look out of the small window behind the engineer.

BY THE CHAIRMAN:

Q. Does the engineer take part in this running inspection?

A. Yes. On a car body type of diesel engine the trainman rolls down the slide window, which is similar to a window in an automobile, and looks back along the train on the left side, and the same on the right side.

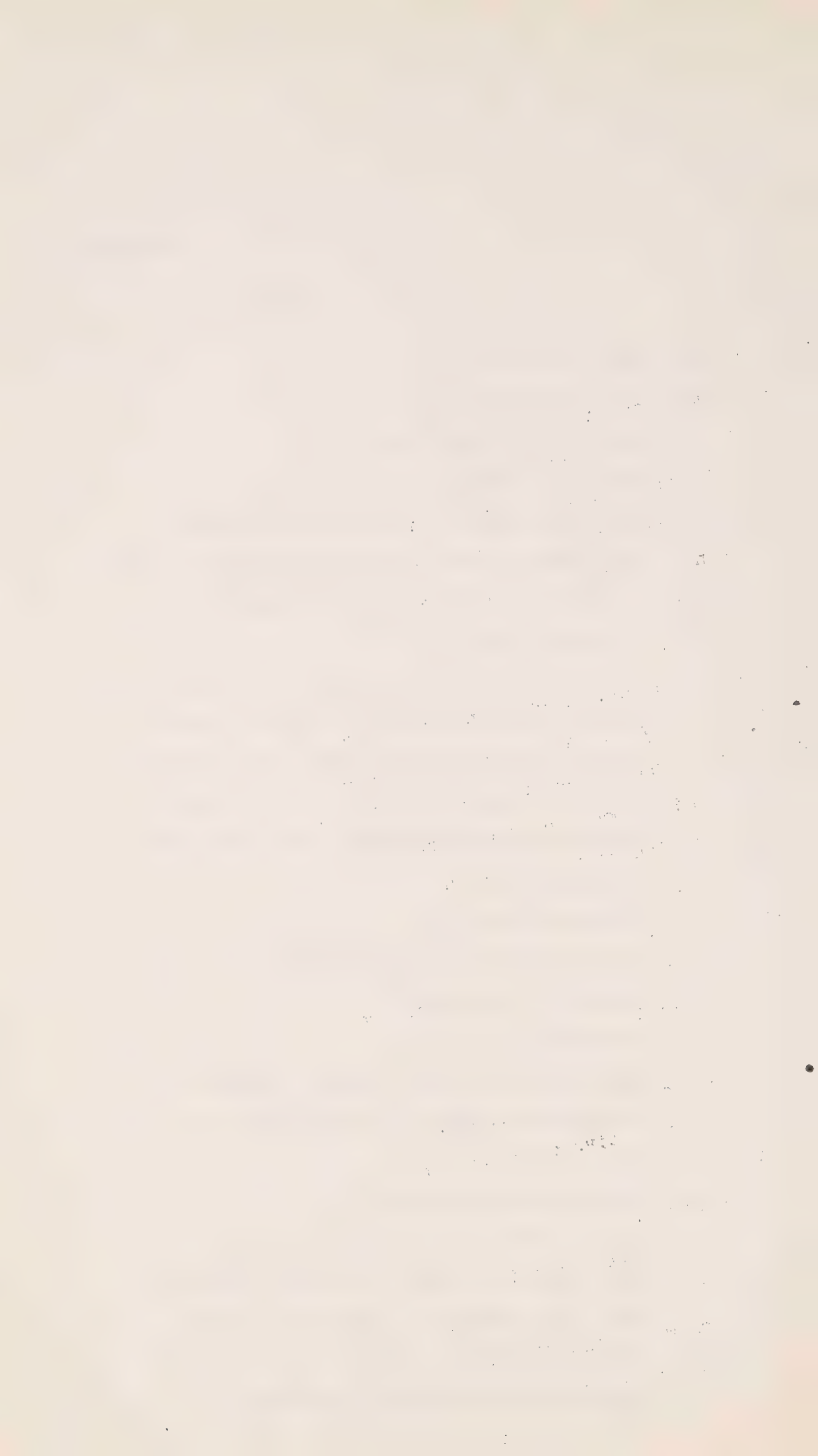
BY MR. SINCLAIR:

Q. Now Mr. Fraser, when the locomotive engineer is making a running inspection from the right-hand side does the trainman or fireman take any particular action?

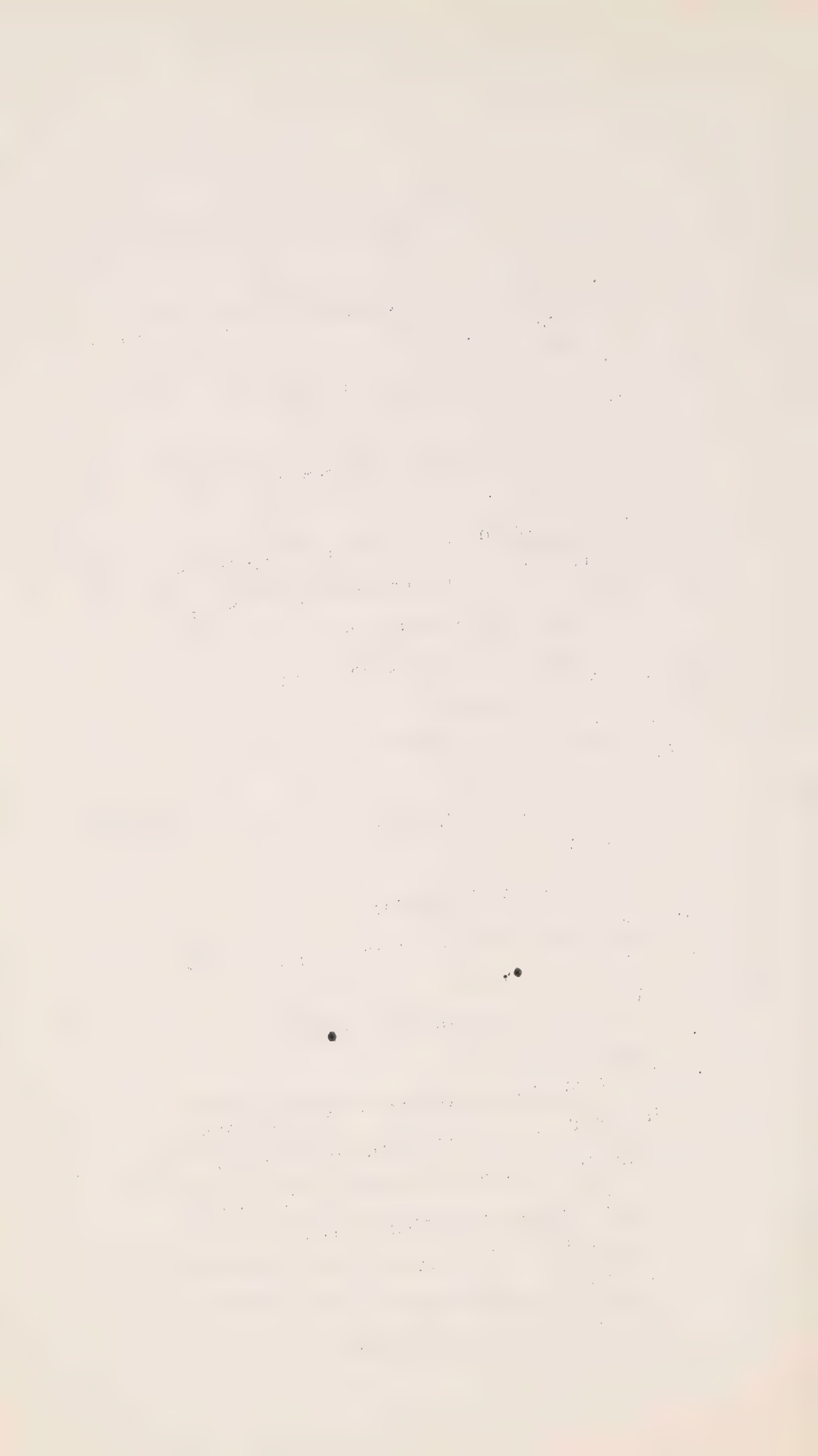
A. Not always. I have been on engines when the engineer made practically all the running inspection on the right-hand side.

Q. While he was making his running inspections on the right side would one of the members of the crew that was on the left side of the engine move over with him to look ahead while he was doing his running inspection?

- A. No, not always.
- Q. Would they ever?
- A. No, not to look ahead.
- Q. What did you mean by not always?
- A. They never move over to look ahead, but I have seen the head trainman go over to look back at the same time as the engineer was looking back.
- Q. On a diesel engine, or even on a steam engine, when the head trainman is making a running inspection on the left-hand side what is the fireman doing? Does he have to make a running inspection on the left-hand side, or does he not?
- A. Sometimes they do.
- Q. Is he required to make a running inspection, being on the engine?
- A. Everybody is.
- Q. When you started to run as a trainman, Mr. Fraser, what kind of motive power was on the railway?
- A. It was all steam power.
- Q. Was it hand fired or stoker fired?
- A. All hand fired when I started; at least, all that I worked on were hand fired.
- Q. When did you first start to get on stoker engines in the territory you were in?



- A. As nearly as I can remember, it was early in 1941.
- Q. You are speaking there of freight?
- A. Yes sir.
- Q. Had they been on passengers before that?
- A. Yes sir.
- Q. In passenger service the Commission has already been told the head trainman does not ride in the cab of the engine, except on rare occasions, is that correct?
- A. That is correct.
- Q. Based on your experience?
- A. Yes.
- Q. On freight trains where does the head trainman ride?
- A. He rides in the engine.
- Q. And where does the rear trainman ride?
- A. In the caboose.
- Q. And who else is in the caboose?
- A. The conductor.
- Q. Now when you started to receive stokers in the freight service on your territory along in 1941, as you moved up in 1943 and 1944 what proportion of the power would be hand fired and what proportion would be stoker fired in the territory you were running on freight?



- A. I would estimate about half of each.
- Q. In your experience on steam power -- take first the hand-fired steam power -- where would the head trainman ride on the locomotive?
- A. On the hand-fired locomotive?
- Q. Yes.
- A. He rides ahead of the fireman on the left-hand side of the engine.
- Q. Are there any exceptions to that? Would there be any type of power that that would not apply to in the hand-fired power that you had?
- A. No, not that I ever worked on.
- Q. On the stoker fired steam engines where would the head trainman ride?
- A. The head trainman rides immediately behind the fireman.
- Q. Why was that?
- A. The fireman had jets and valves that he had to operate, which were located immediately ahead of where he sat, and there was no place or no room for the trainman to get ahead of him.

BY THE CHAIRMAN:

- Q. On the type of power where there is hand firing, where the fireman sits behind the head trainman, was that because he had to get up and down so often to put coal into the engine?

A. That is correct.

Q. He was closer to the coal?

A. Yes sir.

BY MR. SINCLAIR:

Q. On diesel power, Mr. Fraser, where does the head trainman sit - take first the car body type?

A. On the car body type he sat on a seat in the centre of the front part of the unit; the engineer is on the right side, and the trainman is in the centre and the fireman sat on the left side.

Q. What is the seating arrangement on the road switcher? We know the engineer is on the right side, but what is the seating arrangement on the left side?

A. I have ridden on road switchers of two types, the Trainmaster type and the other standard type. On the Trainmaster the fireman sits ahead of the trainman, and on the other type, the General Motors road switcher, the trainman sits ahead of the fireman.

Q. When did you first have anything to do with the Trainmaster.

A. It was a few months ago; I would think about six months ago.

Q. Where had they been before that?

A. They had been working in the mountain

territory. Due to some trouble with the trucks on this type of locomotive they were transferred from the mountain territory over into the Prairie region.

Q. How many Trainmasters have they got in the Alberta district, do you know?

A. I believe it is 20.

MR. LEWIS: Is that in Alberta?

BY MR. SINCLAIR:

Q. Are you speaking about the company's Trainmaster complement?

A. Yes.

Q. On the road switcher type, other than the Trainmaster, have you ever seen the fireman riding ahead of the trainman on the left-hand side?

A. No sir.

Q. Why did they reverse the seats on the Trainmaster?

A. I am not sure.

Q. Do you know?

A. No. It is just something I am not sure of - I don't know.

Q. When did you notice it?

A. The first trip I made on a Trainmaster, a little over a month ago.

Q. Since you have been running on the railway, Mr. Fraser, that is since 1922, has there

or has there not been at all times a seat for the trainman on the locomotive, on the left-hand side?

A. Yes sir, there has always been a seat.

Q. We have had a number of photographs here of the kinds of motive power. What kind of motive power have you run on? Have you run on what is known as the N-2 class?

A. Yes sir.

Q. What about some of the other kinds?

A. The N-2, D-10, G-2, P-2; the first pay trip that I made on the main line out of Winnipeg was I believe a 3200-class, and it was referred to as a Mother Hubbard type.

Q. We have a photograph of that type in so far as it was modified for yard service. Is there anything peculiar or particular about the Mother Hubbard?

A. The engine that I rode on had two compartments. There was a compartment on the right side for the engineer, where he operated the engine, and on the left side there was a compartment of the same type where the fireman and trainman shared a long seat.

Q. They shared a long seat?

A. Yes sir. But in order for the fireman to fire the engine he did not spend any

amount of time up there; he got down.

Q. Where do you mean by "up there"?

A. Up in the compartment, which is a step up off the firing plate or deck, and he would have to step down, as I recall it. I can remember the trip I made, where I had that part of the engine.

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Follows

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BY MR. SINCLAIR:

Q Where was the fireman?

A He was down on the deck.

Q What about these other types of locomotives you were dealing with -- P-1's and G-2's and D-10's? When you were on them -- they were hand-fired locomotives -- what proportion of the time, based on your experience, would the fireman spend on the deck?

A That depended on a few things. In the first place there was the fireman himself. In the second place there was the type of train.

Q What do you mean by that?

A The length and weight.

Q Yes?

A And in the third place the weather had a bearing, and, fourth, the grade; it depended on what grade you might be on. In my time when a ^{train} tonnage was operating the fireman would never spend less than half his time on the deck and sometimes up to as much as all the time firing the engine.

Q That is on hand-fired trains. Now, Mr. Fraser, based on your experience of stoker fires, what proportion of the fireman's time would be spent on the deck of stoker-fired engines?

- A Well, it was much less than on a hand-fired engine, but the fireman was watching the coal go over the distributor plate into the fire-box and there were times when the coal would stop running due to it arching over in the tender, and the fireman would get off his seat and he had a bar there and would work the coal around until it got running again into the stoker trough; and it was sometimes necessary, due to the stoker having to stop, for him to supplement the stoker by doing some hand firing. I would estimate that the fireman would spend a quarter of his time off the seat down on the deck.
- Q Would that be only when there was trouble, or would it be the general average?
- A I would say, the general average.
- Q Now when you were running on steam power as a head trainman did you take into consideration the position of the fireman, whether he was on the deck or on the seat, when you made your running inspections?
- A No, I did not take that into consideration.
- Q If he was on the deck would you make

a running inspection on the right-hand side?

A Yes, I have crossed over and made running inspections when he was on the deck.

Q Who was maintaining a lookout ahead at that time?

A The engineer.

Q Was that satisfactory from the standpoint of safe operation?

A Oh, yes. He had a good view.

BY THE CHAIRMAN:

Q Mr. Fraser, you said that in the case of steam, speaking of hand firing, the trainman sat ahead of the fireman in the cab?

A That is correct.

Q But in the case of a stoker, the fireman sat ahead of the trainman?

A Yes, sir.

Q And you explained the different duties of the fireman which made that change necessary, or which may have entered into that change of place. Now in the case of the stoker steam engine, if the fireman was sitting in front of the trainman he would have to pass back in front of the trainman to do the duties on the deck which you have just

described -- watching the coal being distributed over the plate, and those other duties; isn't that so?

A Yes, but there is sufficient room that he could slide off his seat and just step onto the deck.

Q I just wanted to understand that, because you said that the fireman sat in front of the trainman on the stoker-fired unit because there were valves and things in front of him.

A That is right.

Q Perhaps I had in mind oil-fired engines rather than stoker-fired engines on which he had those duties back on the deck you spoke about.

A Correct.

BY MR. SINCLAIR:

Q Have you had any experience as trainman on an oil-fired steam locomotive?

A No, sir. I have been on oil-fired steam locomotives but that was during the time I was supervisor. I have never ridden an entire subdivision on an oil-fired engine.

Q Now, when the fireman is sitting ahead of the trainman, and he would be on a seat on a stoker-fired engine, would you be able to maintain a look-out ahead when he is there?

- A Oh, yes, through the front window.
- Q Would he not be sitting in front of you?
- A Not directly in front of you so it would obstruct your vision through the front window.
- Q Based on your experience of steam-fired locomotives, Mr. Fraser, what in your opinion was the fireman's job? What did you up there in the cab expect him to do?
- A He fired the engine and kept up the steam by putting coal into the fire-box. That was his principal duty.
- Q Did he have any other duty that was not his principal duty?
- A That was his principal duty.
- Q But did he have any other duty that was not his principal duty? Did he do anything else?
- A Oh, yes, he would get up on the seat at times and look ahead.
- Q Would he make a running inspection from time to time?
- A Occasionally.
- Q You are talking about hand-fired steam engines?
- A Yes, sir.
- Q What about stoker-fired, since he had more time away from his fire?
- A I have seen him make the occasional

inspection. It depended, again, on the man.

BY THE CHAIRMAN:

Q Did you consider it was your primary duty in those days to make the running inspection or did you consider the fireman had a part to play?

A I considered it my primary duty to keep a lookout ahead.

Q What about running inspections?

A I made them, the engineer made them, and the fireman made them. I would say I made the most, and picked the place where it would be safe to do it.

Q Would it be fair to say that the fireman made them as he had time, having regard to his other duties?

A Yes, he made some, but he depended principally on the trainman for them.

BY MR. SINCLAIR:

Q I suppose, Mr. Fraser, that if you had a trip where he was between 50 per cent and 100 per cent of his time on the deck -- not less than 50 per cent, on hand-fired, up to 100 per cent -- as it got into the higher ranges of the percentage he would have really no time to do anything but look after his boiler?

A That is correct.

Q Is that what you have in mind?

A Yes, sir.

Q Now, Mr. Fraser, when you were running as head trainman or during your observations as a supervisory officer, have you or have you not ever been asked by the engineer or heard him ask the other members of the train crew where they should go for a meet or where they should go to clear a superior train?

A No, sir, not in my time.

Q Based on your experience, Mr. Fraser, in train service who would the engineer consult with with regard to meets, clearances and matters of that kind?

A Oh, with the conductor.

Q Now, let us suppose that the meet or the place you were going in to clear had to change from the point that was agreed on before you started out from your last spot, would not the conductor have any control of that?

A Oh yes, he could control it. He has an emergency air valve in the caboose he could stop the train with.

Q Does the conductor take action with regard to matters of that kind if he feels it is necessary for the safe operation of the train, or does he not?

A Oh, yes, certainly.

Q He does?

A Yes, definitely.

BY THE CHAIRMAN:

Q You have never heard of discussions in the cab between an engineer and yourself and the fireman with regard to whether they should pull forward or pull into a siding, considering meeting another train?

A In my experience, sir, the engineers were all men of long experience and they decided that pretty well themselves. I have heard them say, "Well, we will go in at whatever station it might be to let a train by, or to meet a train," but so far as consulting and asking the opinion of the trainman or the fireman as to whether they should pull in or where they should go, that was never done.

HON. MR. McLAURIN: Do you mean by that that the engineer would tell the balance of the crew rather than ask them?

THE WITNESS: That is correct.

BY MR. SINCLAIR:

Q Now, Mr. Fraser, in your experience, what is the practice as to the giving of hand signals when freight trains

set out or pick up cars or do switching between terminals?

A The practice is to give the signals direct to the engineman.

Q Now you say it is the practice to give the signals to the engineman. Is there any exception to that in your experience?

A Oh, yes, in elevator tracks where the elevators are on the engineer's side signals are given to the fireman while the cars on the track are being coupled up or being placed.

Q What kind of trains generally do that kind of work?

A The wayfreight or the switcher.

Q Pick-ups or set-outs, that is, picking up or setting out a group of empties, for instance -- what would the practice be in giving signals if you are going to place them on the east or west end of an elevator track?

A They would be given to the engineer.

Q When you are spotting or coupling up an elevator track and the elevators are on the engineer's side, you say that in these cases the signals are given to the fireman; is that correct?

A That is correct.

Q Why is that?

A For convenience.

Q For the convenience of whom?

A The train crew.

Q Is it possible to make the move other than by giving the signals to the fireman?

A Yes. They can be given direct to the engineer.

Q How?

A One trainman can be on the top of the leading car -- the car next to the engine -- and can relay the signal to the engineer from a man on the ground or from a man who might be on top of cars further back if it was a long string of cars.

BY THE CHAIRMAN:

Q Have you ever done that yourself or seen it done?

A Yes, sir. I was assistant superintendent at Weyburn. I made a trip from Moose Jaw to Weyburn on the way-freight and the fireman was an inexperienced fellow and there was some doubt as to his ability to take signals properly, and it was arranged that the signals would all be given to the engineer.

BY MR. SINCLAIR:

Q And were they?

A Yes, sir.

Q What effect did that have on the speed with which you made your movements -- did it have any, or did it have some?

A It was a little slower, yes.

Q Based on your experience, Mr. Fraser, at places where you have worked and at places where you have supervised, is there any location where you know of where it is necessary for the fireman to be used as a signal passer in any moves, either picking up, setting out, or switching?

A No, there are none.

Q Have you recently checked in all your territory to make a very careful check of the various places where cars may be set out, picked up or switched to see whether there is any location where the balance of the train crew cannot be placed so as to relay signals direct to the engineer?

A Yes, sir. I have checked all subdivisions.

Q Where?

A In the Alberta district.

Q When did you do that?

A Within the last month.

Q What subdivisions were they?

A Red Deer, just north of Calgary -- from Calgary to Red Deer.

Q Yes?

A And the Laggan subdivision which is west --

Q Calgary, west.

A -- to Field, not including Field.

Q Take the Red Deer subdivision first. That is the subdivision that runs north of Calgary to the city of Red Deer?

A Yes, sir.

Q How many locations were there on that subdivision where trains could set out, pick up or do switching? How many sidings or spurs would there be where that could be done? Have you got your list there?

A I believe it is eighteen.

Q Well, you can check it.

THE CHAIRMAN: How far is it?

HON. MR. McLAURIN: A hundred miles or ninety miles.

THE WITNESS: There are nineteen places.

BY MR. SINCLAIR:

Q There are nineteen places. And how many miles is it from Calgary to Red Deer?

A 93.5 miles from 12th Street East -- that is where the freight trains usually start.

Q How far is the Laggan subdivision?

A 136 miles.

Q How many locations are there on the Laggan subdivision?

A Twenty-eight.

Q There are 28. And now, taking the Red Deer subdivision and these subdivisions you have personally checked, what is your submission as to the necessity of using the fireman as a signal passer in making moves at any of these locations?

A It is not necessary to have them.

Q And for the balance of your territory have you recently checked with your officials to get their opinions with respect to the rest of your territory?

A Yes, sir, and they have informed me that there is no place in the district where it is necessary to have a fireman to pass signals.

BY THE CHAIRMAN:

Q To what extent has it been the practice to use the fireman to pass signals?

A In elevator tracks, that is all.

Q Is that the only place?

A Yes, at least that is the only place we know of.

MR. SINCLAIR: Now, Mr. Fraser, at my request you secured from the records of the company certain data. I have the statements here.

THE CHAIRMAN: That will be Exhibit No. 119.

MR. SINCLAIR: Exhibit 119 is entitled, "Number of through freight trains excluding wayfreights which performed switching en route, November 1956."

EXHIBIT No. 119 -- Freight
trains per-
forming
switching,
November
1956.

MR. SINCLAIR: This exhibit is in similar form to the exhibit filed by Mr. Fraine on three subdivisions on the eastern region, being Exhibit 108.

The exhibit speaks for itself pretty well, I think. It starts with the Keewatin subdivision -- and this could be filled in so that it could be orientated. I would have had it done here had I thought of it. Keewatin is from Kenora to Winnipeg. The Broadview subdivision is from Broadview to Winnipeg --

THE WITNESS: It is from Brandon to Broadview.

MR. SINCLAIR: Swift Current subdivision is from Moose Jaw to Swift Current. The Brooks subdivision is from Medicine Hat to Calgary.

THE CHAIRMAN: Swift Current is --

THE WITNESS: From Moose Jaw to Swift Current. Brooks is from Medicine Hat to Calgary.

MR. SINCLAIR: The Laggan you have given -- Calgary to Field, and the Red Deer you have given -- Calgary to Red Deer.

BY MR. SINCLAIR:

Q Now, Mr. Fraser, based on your experience as a trainman and supervising officer, would this represent pretty well the general type of situation that you would expect to find on a railroad with regard to switching or set-outs or pick-ups by freight trains between terminals?

A Yes. I think that is quite representative.

THE CHAIRMAN: When you use these terms "set-outs" or "pick-ups" that includes the work of the wayfreight, does it?

MR. SINCLAIR: Yes, sir, except that in the schedule under the agreement with the trainmen and with some of the other crews, as I recollect, in

the labour collective agreements, there is a distinction made between switching as such and pick-ups and set-outs. A set-out would be where the freight train comes along with some empties, or even with some loads, and all it was going to do was push them into a back track and leave them there --

THE CHAIRMAN: And go on?

MR. SINCLAIR: And go on. And the pick-up would be the operation of picking up empties or loads, from the back track.

THE CHAIRMAN: And you might have the freight train do both operations at one spot?

MR. SINCLAIR: It could, yes. But if it had to move a car out of a back track to put a car in, that would be a switch, in the technical sense, as it is used in the agreement, and more than three switches of that type changes a freight train to a wayfreight. Wayfreight rates would then apply to the crews. Now, a wayfreight train would be one that would be dealing with each of the stations at which there was work. It might start out with a very few cars and do switching, placing cars, or coupling up elevator tracks and pulling them forward to enable the through freight trains to make a direct pick-up or coupling up the empties

that were left by through freight trains. That would be a wayfreight.

THE CHAIRMAN: Is the difference between a through freight setting out and picking up, and a wayfreight, in the amount of switching which it does in a station or stations?

MR. SINCLAIR: Yes. I think that would describe it. That is the easy way of putting it. There is the odd exception, as these exhibits show, where a freight train will make some moves. We have not broken them down to show how many -- whether pick-ups, set-outs or switches. But the way the railroad is run is so as not to allow the freight trains to establish, by switching, the application of wayfreight rates.

THE CHAIRMAN: I see. It is only that we may understand the terms used.

HON. MR. McLAURIN: The crew believe that the wayfreight is the better run?

MR. SINCLAIR: Generally speaking, sir, if I might answer that question from my experience in talking to people, I would say that the men like it better. They generally run in the daytime; the men know when they are going out and also they generally take their time getting across the road. Also,

they have very short trains, generally speaking, and that is an advantage.

HON. MR. McLAURIN: That is an advantage.

MR. SINCLAIR: Yes, and generally speaking they are getting in overtime. They sit in stations a lot, waiting.

HON. MR. McLAURIN: There may be a car full of merchandise with something for each station on it, so they would have to do a lot of unloading.

MR. SINCLAIR: That could be. It used to be a situation more prevalent than it is today. Today the wayfreight trains and waycars are not too prevalent; the railways have lost a lot of this traffic to the trucks. Is that not so, Mr. Fraser?

THE WITNESS: That is correct.

MR. SINCLAIR: But, as I say, wayfreight crews get a little extra money; the rate is a little higher.

THE CHAIRMAN: Did you wish to say something, Mr. Lewis?

MR. LEWIS: My friend's description, I think, was incorrect, as to the number of switches that turns a through freight into a wayfreight. I am looking at Exhibit No. 117, the agreement of the Brotherhood Locomotive Engineers,

and you will find at page 21 under Article 7, Section (d), it says:

"Freight or mixed train engineer making more than five stops to take on or set out a car or cars or who makes more than ten switches en route or a combination of seven movements of such service, will be paid wayfreight rates for the trip."

MR. SINCLAIR: Is that the fireman's schedule?

MR. LEWIS: No, it is the engineer.

MR. SINCLAIR: I have got the fireman's schedule in my hand. What I was referring to was the trainman's schedule.

THE WITNESS: That is right.

THE CHAIRMAN: An accurate definition is not necessary at the moment, Mr. Lewis, it is just roughly --

MR. LEWIS: I appreciate that.

MR. SINCLAIR: According to the trainman's schedule, it is three switches. The engineman's and fireman's, as I recollect, is a combination of five, seven and ten.

THE CHAIRMAN: So the wayfreight can be a wayfreight from one point of view, and not from another?

MR. SINCLAIR: It could, yes. It could be a wayfreight by virtue of the work it does under the schedule -- a through freight train could be converted to a wayfreight,

but transportationwise the railway runs the business to get wayfreights --

HON. MR. McLAURIN: The trainman has the benefit of being on a wayfreight, while the engineer may still be languishing on a through freight?

MR. LEWIS: I think my hon. friend is wrong, however. I have looked into this and I asked about it. I think it is the same number as the other two.

MR. SINCLAIR: I am instructed that the trainmen convert first and that the point made by the Hon. Mr. McLaurin could occur.

THE CHAIRMAN: Well, if there is any dispute, let us have it accurately on the record. Let us not have a debate about it.

MR. SINCLAIR: Well, I will file the three sections in one exhibit.

THE CHAIRMAN: Put it in in any way you want to do it.

MR. SINCLAIR: It is a matter of explanation to the Commission. Nothing turns on it, as far as I know. But as a matter of explanation I could take them out of the schedules. Though, as I said, nothing turns on it.

THE CHAIRMAN: Well, in that event, all right. We cannot say at this stage what turns on anything. But whatever is on the record, we like to have accurately.

MR. SINCLAIR: That is right.

BY MR. SINCLAIR:

Q Now, Mr. Fraser, I think I have covered this, but I am not sure: as a general practice in the west, do freight trains, whether they are symbol, through or extras -- do they do switching, that is, coupling up and spotting at elevator tracks as a general practice?

A Not as a general practice, no.

Q And so when you are dealing with this matter of switching elevator tracks and the giving of signals to the fireman you would be dealing with wayfreight cars in the large majority of cases?

A Yes.

Q But there would be exceptions to that, I take it?

A Oh, yes.

Q The odd occasion?

A Yes.

THE CHAIRMAN: Perhaps I don't understand -- why would wayfreights and not through freights be picking up grain from an elevator?

MR. SINCLAIR: Well, a wayfreight would be coupling up the elevator tracks and pulling them east; to the east end, we will say. Then six, ten or fifteen cars, all coupled up together,

would be left over for the through freight train.

THE CHAIRMAN: Then the wayfreight is a sort of switching train that gets the cars ready for the through freight?

MR. SINCLAIR: That is right.

THE CHAIRMAN: I see.

MR. SINCLAIR: And then for the empties, the through freight would make the set-off and the wayfreight would spot them by pushing them up against the elevators and spotting them within a reasonable distance of the spout.

THE CHAIRMAN: Generally speaking, what is the length of a trip of the wayfreight?

MR. SINCLAIR: Over the subdivision.

HON. MR. McLAURIN: One hundred miles.

MR. SINCLAIR: Over the subdivision -- generally one way one day, and back the next -- three times a week in each direction, isn't that so, Mr. Fraser?

THE WITNESS: Yes. We have one exception in the Alberta district. We have a wayfreight that runs from Swift Current to Maple Creek. It does not go through the entire subdivision because the majority of the work at that particular subdivision is between Swift Current and Maple Creek and there is so little beyond that in Medicine Hat that it is

customary to have a pick-up.

MR. LEWIS: I am sorry, but I cannot hear you.

THE WITNESS: It is usual to have a pick-up train to do the work west of Maple Creek.

MR. LEWIS: From Maple Creek to where?

THE WITNESS: To Medicine Hat.

BY MR. SINCLAIR:

Q How do wayfreight trains generally compare as to length with through freight trains?

A They are much shorter trains, usually, although they can fill out to the full capacity of the engine. I worked on a wayfreight out of Winnipeg on the Glenboro subdivision, 148 miles, and practically every trip we came in with a full train.

Q How many cars would that be?

A Roughly, 50.

Q Speaking generally, Mr. Fraser, as they are now operating on the Alberta district, would wayfreight trains be much smaller or about the same, compared with through freight trains?

A Generally, they are much smaller.

Q And on your territory, what kind of power do you generally assign them?

A It is steam power, generally.

Q And when you assign diesels, how many units do you use?

A Right now we have not assigned a way-freight with diesel power, but I would say that one would be what we would have in mind.

Q I think you made some observations when you got one --

A I made some observations where we had one unit -- a road switcher.

Q One unit would enable the work to be done satisfactorily?

A Oh, yes.

Q In the last month, you have made a number of observations, Mr. Fraser. I have here -- it will be Exhibit No. 120 --

THE CHAIRMAN: I think at this point we might take a break. I apologize for having overlooked it this morning.

MR. SINCLAIR: I would be very happy to go right through, sir, if you wish. I am becoming just a trifle concerned about time.

THE CHAIRMAN: Well, we are used to sitting right through. I thought the request for the break came from down on the floor.

MR. LEWIS: I think, perhaps, we had better continue it, Mr. Chairman.

---Recess.



On resuming:

EXHIBIT No. 120 -- Trip record,
12 pages,
numbered
1 to 12.

BY MR. SINCLAIR:

Q Mr. Fraser, Exhibit 120 consists of twelve separate pages, and they are numbered 1 through 12, and they record observations of trips that you made on dates shown on each of the sheets. Is that correct?

A Yes, sir.

Q Mr. Fraser, taking sheet No. 1 of Exhibit 120, where did you ride on this trip?

A I rode the leading unit the entire trip.

Q I notice here it was a freight extra. And you rode the leading unit?

A Yes.

Q Where -- in the cab?

A Yes.

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- Q They are road switchers 8524 and 8423?
- A That is correct.
- Q This trip was from Alyth to Red Deer?
- A Yes.
- Q And 94.7 miles?
- A Yes.
- Q Is there anything you want to draw to the attention of the Commission on this trip?
- A I think the report speaks for itself. There is nothing there that I can see that I need to add.
- Q Taking sheet No. 2?
- A Yes, sir.
- Q This is a second-class freight train and this is again road switcher units, the same two that were in the first run and this is continuing on from Red Deer right into South Edmonton, being 96.9 miles. Do you wish to draw the attention of the Commission to anything that you have not recorded?
- A Well, I think the report speaks for itself. I rode the engine for the entire trip in the cab of the leading unit.
- Q For instance, I notice under the heading "Details of duties performed by fireman en route" the following:

"Fireman left cab once when train running, but no necessity for same."

A That is right.

Q Well now, did the engineman ask the fireman to leave the cab?

A No, sir.

Q Did the fireman report to the engineman when he came back?

A No.

Q And when the fireman left the cab where did he go?

A He went back on the walkway, back to the second unit, and then came back to the cab.

Q Was there a walkway over the couplers between these road switchers?

A Yes.

Q He did not have to step across the couplers?

A No.

Q I notice that there were some set-outs and pick-ups here?

A Yes, at Wetaskiwin.

Q At Wetaskiwin you have some additional notes and do they explain the situation as far as you feel it is necessary to explain the situation, Mr. Fraser?

A Yes, they set out and lifted from the elevator track and the signals were

given to the fireman in this case.

Q And that is a second-class train doing switching at an elevator track?

A Well, yes. That is a junction point and these cars that were set out there were for the train that ran from South Edmonton to Hardisty. It is the junction between South Edmonton and Hardisty and these cars were set off there and three were lifted which came in off the same branch line, I believe.

BY THE CHAIRMAN:

Q You say it is an elevator track?

A Yes, sir.

Q Your note at the foot of the page says it was not necessary to give these signals on the left side?

A No, it was not necessary. It could have been done from the other side but in going from the elevator track the trainman proceeded to the fireman's side and the engineer said, "He has gone over to your side," and he gave the signals there, but he could have given them on the other side.

BY MR. SINCLAIR:

Q Now, the next one, three, where did you ride on that trip? This is a second-class freight train. You have

got the same units, 8525 and 8423. They are road switchers and this is a move that is cycled right out through South Edmonton to Hardisty, that is, the unit started out from Calgary, went north to South Edmonton and then to Hardisty?

A That is correct.

Q And you rode through it and this was a second-class train on this division?

A Yes, sir.

Q And looking at "Details of duties performed by firemen en route" would you please read that --

"Fireman out of cab when train stopped at Millet, Wetaskiwin, Camrose and Strome, checked cooling water and lube oil ..."

A That is right.

Q Was he asked to do that by the engineer?

A No, sir.

Q Did he report to the engineman when he came back?

A No.

Q And the train was stopped at that time?

A Yes, sir.

Q Where was the engineer, what was he doing at Millet?

A We stopped and set off a hot box.

It was detected by a train that was in the siding to meet the train we were on and the conductor pulled air, the car was set off in the siding by the train crew giving all the signals to the engineer.

Q When the fireman was doing the work, Mr. Fraser, I asked you "Checked cooling water and lube oil", I asked if the engineman asked him to do that and you said no, and if the fireman reported back and you said no, and I asked what was the engineman doing when the fireman checked the water and lube oil?

A He was just sitting in the cab.

Q Now, you said you set off a hot box cripple at Millet?

A That is right.

Q Which was detected by whom?

A By a train crew that was in the siding to meet this train which was not going to stop at this point.

Q And the conductor got the signal and opened up the conductor's valve and stopped the train?

A That is right.

Q What happened at Wetaskiwin?

A We switched there for 45 minutes and all the signals were given the engineer.

Q What did the fireman do when that

switching was going on?

A He ate his lunch. He just sat on the second seat on the left side of the engine and got his lunch box and had his lunch while the switching was being done at this point.

Q Were you in the cab of the engine when he did that?

A Yes, sir.

Q What was he doing about a lookout during this operation? Was he eating his lunch and looking out at the same time?

A The signals were all being given on the engineman's side and he just sat there and ate his lunch in the second seat.

Q Anything further on this trip that you wish to draw to the attention of the Commission?

A Well, at Camrose there was a set-off of a few cars made there in a back track and the signals were all given to the engineer, and at Strome we met train 51. We went in the siding there and the train was inspected at that point.

MR. SINCLAIR: Now, No. 4.

Here we have a four-unit consist, Mr. Chairman. 4030 is an A unit, 4433 would be a B unit,

8416 would be a road switcher and 4034 would be another A unit, the first, second and fourth units being car body type, the third unit in the consist being a road switcher. This is a fourth-class freight train.

BY MR. SINCLAIR:

Q I notice here under "Detail of duties performed by fireman en route" the following:

"Fireman went back in units nine times, eight of which were when train standing at stations for trains or train inspection."

Now, the other time was the train moving when the fireman went back?

A Yes, sir, just after we left Sonalta the fireman took a walk back through the A unit, through the B unit, through the road switcher and back to the engine.

Q Did you ride the cab of the leading unit throughout this entire trip?

A Yes, sir, I rode the cab the whole trip.

Q Did the engineman ask the fireman to make these patrols?

A No, sir.

Q And did the fireman report to the engineman on his return?

A Not that I ever heard.

Q Well, were you there?

A Yes, he never made any report to him.

Q Now, to go on -- by the way, this 8416, was it equipped with walkways over the couplers?

A Yes, sir.

Q Now, say that you had a road switcher in there as a second unit that did not have walkways on it, what would your view be as to the fireman going back into the trailing units?

A Well, I don't think he should do it.

Q Why?

A I don't think it is a safe practice.

Q Now, when you go to the road switcher and you say you want to check the engine and you open up one of the doors while you are in motion, what do you think of that, Mr. Fraser, what do you think of opening up the doors of a road switcher while in motion?

A I don't think it is good. I think it is dangerous because the wind could whip that door around and possibly either injure the man or possibly knock him off the train entirely.

Q Now, here under "Additional comments" at the bottom, do you think they speak for themselves?

A Pretty well.

Q Or is there anything you wish to add?

A I think that is explained there fairly well.

Q Now, No. 5, this is a freight, third-class and here again we have a four-unit consist being an A unit, a road switcher second, a road switcher third, and a B unit trailing?

A Yes, sir.

Q And this is from Field to ~~Aylmer~~ Alyth?

A Yes.

Q And where did you ride over this subdivision?

A I rode on the cab of the leading unit from Field to Morley and when we arrived at Morley we were given a message to the effect that train No. 1, the westward Canadian, was having some electrical trouble on the second unit and the engineer received a message asking him to give one of his units to the Canadian.

Q One of the units of his locomotive consist?

A Yes, sir, and this lead unit, this A unit 4033 was switched off this freight train on to the Canadian.

Q Yes, and what did you do, then you only had three units, did you?

- A Yes, we took the unit 8526 that was giving trouble on the Canadian back to Calgary with us.
- Q Was it operating?
- A No.
- Q So did you proceed into Calgary with just three units?
- A Yes.
- Q Did you reduce tonnage, take some cars off?
- A No, the three units could handle a lot more tonnage than we had there.
- Q Three thousand tons, and with the three units you went right on into Calgary?
- A Yes, sir.
- Q Morley is east of Lake Louise, is it?
- A That is right.
- Q I notice here under "Alarms and defects en route":

"In passing through spiral tunnels 2 and 1 hot exhaust gases from front units raised temperature in trailing unit sufficiently to cause hot engine alarm to ring. This is normal occurrence and condition dissipates itself on leaving tunnels. No action is required by crew to correct condition."

Is there anything you wish to draw to the attention of the Commission on that?

A Well, the engineer, Heaton, advised me of this. There was an alarm just before we came out of the tunnel and he said, "Oh, that is a hot engine," so that the bell stopped ringing, the alarm bell, and then when we went into the upper tunnel the same thing occurred just before we came out and the alarm bell rang again and just as soon as the units got out into the fresh air it cleared right up and the bell stopped ringing.

HON. MR. MARTINEAU: Did anyone have to set it back?

MR. SINCLAIR: I was just going to ask that.

BY MR. SINCLAIR:

Q Did any member of the crew have to re-set the protective device on these units?

A No.

Q What kind of units were they?

A They were General Motors.

MR. SINCLAIR: You will recall, sir, that I think Mr. Fraine said on the General Motors when a hot engine alarm occurs that the engines do not reduce power until such time after they are allowed to continue long enough a low lube would apply which would shut the engine down.

BY MR. SINCLAIR:

Q Anything further on this ...

BY THE CHAIRMAN:

Q Before you pass away from there, this was a bell which rang in the cab in which you were riding, that is, the leading unit?

A Yes, sir.

Q And what do you say the engineer said?

A He said, "Oh, that is a hot engine on the fourth unit. That is a common occurrence."

Q He said on the fourth unit?

A Yes.

Q So evidently there was some indication that enabled him to say whether it was the second, third or fourth that was affected?

A Well, from the information he gave me it is a regular thing and I believe he just assumed it was the fourth unit, although I am not sure of that, but he said --

Q That is what he said, anyway?

A Yes, sir.

BY MR. SINCLAIR:

Q Then the hot gases that would cause this would be hot gases from the exhausts of the lead and the second and maybe the third unit going into

the intake of the fourth unit?

A As I understand it, yes.

Q And when you get out into the open air that dissipates in the normal atmosphere cooling the engine down and the alarm goes off?

A Yes, sir.

BY THE CHAIRMAN:

Q Nobody went back to inspect this trailing unit?

A Well, the district master ...

BY MR. SINCLAIR:

Q At the time these alarms went off did anyone go back to inspect it? Did the engineman ask the fireman to go back to the trailing unit?

A No, I think the fireman went back on his own.

Q When the alarm went off?

A No, not right at the time the alarm went but shortly after because the district diesel inspector, Mr. Shaw, was riding in 8624 and he went back and had a chat with him, I know that.

Q He went back to have a talk with him?

A Yes, sir.

Q "Fireman was back to unit three times while running and four times while train standing." Were you in the cab when he went back, were you in

the leading unit?

A Yes, sir.

Q Did the engineer ask him to go back?

A No.

Q When the fireman returned to the lead unit did he report to the engineer?

A No, he didn't report anything. I believe once he did say, "Well, everything is O.K. back there."

Q Would that not be a report?

A Well, I suppose it was, but it was not asked for. He just said, "Everything is O.K. back there," as far as I can remember.

Q Now, No. 6, I notice here that you have a single unit 8910. It is a Trainmaster.

MR. SINCLAIR: This is a Trainmaster, Mr. Chairman. I asked Mr. Fraser in his observations to make a number of observations on Trainmasters because of the fact that we only have a few and they are in this territory. We will see what that discloses.

BY MR. SINCLAIR:

Q This is a Trainmaster running fourth-class hauling 3,419 tons, and that is from Lethbridge to Medicine Hat, 111.6 miles. Where were you on this trip, Mr. Fraser?

A I rode the engine from Lethbridge to Roytal, which is about six miles from Medicine Hat.

Q Anything in particular you wish to draw attention to here?

"Fireman out of cab at four points while train standing and twice while moving ..."

You say "while moving -- checked cooling water and lube oil." While you were moving how would he do that?

A He opened the side doors on the walkway and looked in at the cooling water gauge and he took the dip stick and pulled it out of the socket that it is in and looked at it and put it back.

BY THE CHAIRMAN:

Q Was this while the train was moving?

A Yes, sir.

BY MR. SINCLAIR:

Q And he was out on the walkway alongside the engines and he opened the door from there?

A Yes.

Q Was he asked to go out or was he not by the engineman?

A No, there were no alarms.

Q Did he ask him to go and check this cooling water and lube oil?

A No.

Q When he came back did he say anything, this fellow?

A No.

Q Make a report of any kind?

A None at all.

Q And what is your view of this type of action being taken by railroad personnel when trains are moving?

A Well, it is not necessary and I don't think it is good practice. I don't consider that it is safe.

Q I notice in this one in your "Additional comments", here is an example of what you said earlier:

"Fireman sat on front seat during trip."

THE CHAIRMAN: They do that with the Trainmaster.

MR. SINCLAIR: That is right and this shows it.

THE WITNESS: Pardon me, this morning the Chairman was asking about hot boxes, about the agent inspecting trains and on my additional comments you might notice:

"Hot box detected by agent at Barnwell and car set off that point..."

As the train was passing the station the station agent was giving the train an

inspection and he detected a box that was hot and signalled to the conductor and he in turn set the air brake and we came to a stop and set the car off.

BY MR. SINCLAIR:

Q He set it from the conductor's van?

A Yes.

HON. MR. MARTINEAU: Mr. Sinclair, what is the number of the Trainmaster exhibit?

MR. SINCLAIR: It is Exhibit 100, sir. It is a road switcher type, 2400 h.p. That is the type (indicating).

HON. MR. MARTINEAU: I see. It is marked.

MR. SINCLAIR: Yes, it is marked as a Trainmaster.

BY MR. SINCLAIR:

Q No. 7, Mr. Fraser, this is another Trainmaster, the same unit, I think, as No. 6?

A The same unit and the same crew.

Q But you are going in the other direction this time?

A Yes.

Q You are going back to Lethbridge?

A Yes.

Q Anything in particular here? How much time did you spend in the cab on this trip?

A Oh, I would say about a third of the trip.

- Q I notice you recorded a number of running inspections and the times. If you were only in the cab a third of the time how did you do that?
- A Well, the Master Mechanic was on there and I had him keep a check.
- Q You arranged for the Master Mechanic to do that for you?
- A Yes, sir.
- Q While you were out of the cab?
- A Yes.
- Q When you were making this inspection here I notice you got an average of 15 seconds. How did you record the time of these inspections?
- A Well, I made the check by counting this way -- 1, 2, 3, 4, 5 and so on.
- Q You did a count on them as they made the inspection?
- A That is right.
- Q And then you averaged them?
- A That is right.
- Q Anything further in particular, Mr. Fraser, that you wish to call attention to?
- A On No. 7, no.
- Q Anything you wish to call attention to on that other than what I have dealt with?
- A No.

Q No. 8 of Exhibit 120. Here how much of the time were you in the cab?

A Oh, I was in the cab about half-way.

Q Here again is a Trainmaster.

BY THE CHAIRMAN:

Q The same unit?

A Yes.

BY MR. SINCLAIR:

Q Anything in particular here? Was the district master mechanic while you were out of the cab put in the cab by you?

A Yes, he rode the cab the entire distance.

Q And you were in there half the time?

A Yes.

Q Anything in particular you wish to draw to the attention of the Commission on this one, or does it speak for itself?

A I think it speaks for itself. There is nothing out of the ordinary there.

Q All right, No. 9. I notice that this is a wayfreight running as a fourth-class train being a road switcher unit 8636 and running from Fort Macleod to Aylth and I notice, Mr. Chairman and members of the Commission, that it is 108.5 miles and eight hours and twenty-five minutes for the trip. So that that

crew was on duty on that wayfreight for eight hours and twenty-five minutes. I think you had better read the details of duties. I notice you had only 1439 tons here, is that right?

A Yes.

Q How many cars?

A Nineteen.

Q Was that nineteen cars when you came into the terminal or nineteen cars when you started out or where did you pick up tonnage?

A That was the tonnage into the final terminal.

Q How many cars did you have going out, do you remember?

A No, I can't just recall. It was not very many.

Q Would it be 40 or 30?

A Oh, less than that. This was the maximum train that we had.

Q I notice the fireman was out of the cab en route checking cooling water and lube oil. Were you moving then?

A No.

Q "Signals relayed through fireman when switching at Claresholm and Nanton on elevator tracks. Signals could have been given direct to engineer if head trainman positioned himself on top of cars."

You say in your comment:

"My observations were not all made from engine cab, approx. 50 per cent made from engine, No. 7, on ground at stations, balance from caboose and business car."

Anything further on No. 9, Mr. Fraser?

A No, I don't think so. I think it is all explained in there.

Q No. 10, another Trainmaster, and it is unit 8914. Where were you when you made these observations?

A I made some of them from the cab of the engine and some from the business car which was immediately behind the engine. I could see all the moves from the business car window as to the fireman and head trainman.

Q And anything in particular that you wish to draw to the attention of the Commission on these observations being No. 10 of Exhibit 120?

A No, there is nothing I can add at all.

Q Looking at duties of fireman --

"Fireman checked cooling water and lube oil at four points where train stopped."

What was the engineman doing when

that was being done by the fireman?

A The engineman got off and took a walk around the unit. That is all I saw him do.

Q Now, how long would you be stopped on each of those occasions, do you remember, Mr. Fraser?

A Oh, I would say about ten minutes at each point.

Q And No. 11, here we have 8633 and 8416. Again these are road switcher units and they are operating from Alyth to Red Deer with 2129 tons. Anything here? You say:

"Preparatory duties performed by fireman: registered out, checked engine cooling water and lube oil, opened reservoir drains to blow out moisture, checked flagging kit."

In so far as that work that the fireman did on the engine, whose responsibility is that, Mr. Fraser, or do you know?

A That is the maintenance staff at Alyth's duty.

Q In your opinion was it necessary to do this work?

A No, I am informed that it was not necessary by the shop foreman. He told me that everything that was done

had been done previously.

Q Again under details of duties we have --

"Fireman out of cab once while train running. No necessity for same. He checked cooling water and lube oil, checked cooling water and lube when train standing in siding at Olds when second 527 passed this train."

Why do you say, "No necessity for same" while the fireman was out of the cab when the train was running?

A There was no alarm or he was not asked to go.

BY THE CHAIRMAN:

Q How far is Olds from Alyth?

A Olds is mileage 56-1/2.

BY MR. SINCLAIR:

Q That is 56-1/2 miles from Alyth?

A That is 56-1/2 miles from 12th Street East.

Q That is the outer switch of the terminal, is that right?

A Well, I would not say that, no.
12th Street East is where the mileage runs from on the timetable.

Q But for our purposes it is Alyth, that is Calgary?

A Yes.

Q And that is 56-1/2 miles out that you had a meet with second 527?

A No, 527 passed us there.

Q They went into clear for second 527?

A Yes, that is correct.

BY THE CHAIRMAN:

Q I would like to understand this. Under the preparatory duties the fireman checked the engine cooling water and lube oil. Then he was out of the cab once while the train was running checking the cooling water and lube oil. Do you recall whether that was before or after Olds?

A Oh, that was before we got to Olds. That was just after we left Alyth.

BY MR. SINCLAIR:

Q Just after you pulled out of the terminal?

A Just a few miles out and he was approximately five miles.

Q Five miles out?

A Yes, after we started.

BY THE CHAIRMAN:

Q That was not very long after he had checked the cooling water and lube oil preparatory to assuming his duties?

A That is correct.

BY MR. SINCLAIR:

Q I notice that the tonnage on this train

was 2129 tons and it had two units.

Mr. Fraser, if one of these units had had a ground relay or a low lube or had lost power or for any other reason a protective device had lost power would one unit have been able to pull this train across the track in this area?

A Yes, but it would have slowed the trip up somewhat.

Q But it could have pulled the train into the clear at that point?

A Oh, yes.

BY THE CHAIRMAN:

Q Did you say what kind of units these were?

A These were General Motors road switchers, sir.

BY MR. SINCLAIR:

Q No. 12. Here again it is road switcher units, Mr. Fraser, on a second-class freight train being two units, 8633, the one we had in the previous observation -- well, it is the same unit?

A Yes.

Q This is again the balance of the trip between Calgary and Edmonton. Here you have again the same train. It is the same train, I guess?



A It is, 987.

Q There are no set-offs or pick-ups?

A Well, at Ponoka two cars of stock were lifted from the elevator track and at Wétaskiwin three cars were set off in centre yard.

Q And you go on here:

"All signals given to engine-man. Fireman checked cooling water and lube oil at both points."

A I might add that after we started out of Wétaskiwin the fireman ran the engine from that point to South Edmonton. He was a promoted engineer and had done some running previously so the engineer asked him if he would like to run the engine and he said he would and he did it for that distance.

Q In your opinion, Mr. Fraser, is it necessary for an engineer to get relief on a run over a subdivision or have somebody relieve him at the controls?

A Oh no, there is no necessity for it. The engineer did not say he was tired. He just asked the fireman if he would like to run the engine. We were only four hours and **five** minutes from the time we left Red Deer until we were

in the yards at South Edmonton.

Q Now, based on your observations, Mr. Fraser, over the years, would you say or would you not that these observations you have recorded here are or are not typical of what goes on on freight trains on Canadian Pacific? Are these typical or not?

A I would say they were typical trips.

Q Mr. Fraser, in the light of your experience as a trainman and as a supervisory officer would you please tell the Commission in your opinion whether the fireman is required on diesel power in freight service?

A In my opinion the fireman performs no useful service on a diesel-powered freight train from my experience and observation.

Q Do you think that he is or is he not required for the safety and efficiency of operation?

A No, I don't think he is required for the efficiency and safety of operation.

MR. SINCLAIR: Please answer my friend.

MR. LEWIS: Mr. Chairman, I think I can save time if I do not wander about for the next fifteen minutes and prepare some this evening.

While I am on my feet, with

your permission, my learned friend told me his witnesses, or some of them at least, may be very short. I think the Commission appreciates my problem in being prepared to ask the witnesses questions. I wonder if it would be possible for me to have, if my friend wants me to, the name and area of one or two witnesses ahead that he is going to call so that I am not forced --

MR. SINCLAIR: I told you who I was calling next.

MR. LEWIS: If we had them as a practice I might work harder the night before if we could do that.

THE CHAIRMAN: I suppose counsel might like that both ways.

MR. SINCLAIR: I would be very happy to assist my friend and speed it up subject to the right of counsel to have the feeling at some time to change the order but which won't change by that much. I think we can make an arrangement that would be quite satisfactory.

THE CHAIRMAN: That is first rate.

MR. LEWIS: I think that would enable me to prepare so that I do not have to prepare for somebody else.

MR. SINCLAIR: My next witness is Mr. George Russell who was a fireman, engineman, foreman and road foreman operating

in the Alberta district of the company and I am prepared to call him now and start with him. All I am concerned about, Mr. Chairman, is the time element here. I am getting concerned about getting the case for the company before the Commission.

THE CHAIRMAN: You mean you want the Commission to travel faster.

MR. SINCLAIR: I would not say I want the Commission to travel faster. I am trying to travel faster myself. Last week I was very slow, I was not feeling very well.

THE CHAIRMAN: Can you make any suggestion?

MR. SINCLAIR: Well, if the Commission might like to sit a half hour longer a day we might do that.

THE CHAIRMAN: Well, we set these hours at request of counsel. What do you say, Mr. Lewis, as to a change?

MR. LEWIS: I don't want to sound lazy and I think my friend and the Commission know I am not, but I would prefer to keep it as it is until perhaps later on this long journey. My friend appreciates I am sure that my position makes it necessary for me to find minutes and hours at this stage anyway that he may not need quite as badly.

THE CHAIRMAN: Well, he may need

it later on.

MR. LEWIS: I said at this stage.

THE CHAIRMAN: Well, unless it is unanimous we won't make any change. We are as much concerned as anybody about finishing. But we are more concerned about doing a job as I know you are, and I do not see any point in starting another witness at ten minutes before adjournment.

All right, tomorrow morning at 10.30 o'clock.

---The Commission adjourned at 3.50 p.m.
until 10.30 a.m. Wednesday, April 3, 1957.

Amended BGL

ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

21

PROCEEDINGS

DATE: April 3, 1957

PLACE: Ottawa, Ont.

PAGES: 2681 - 2841

VOLUME: 21

E. L. FEATHERSTON
SHORTHAND REPORTER
241 MANOR AVENUE
ROCKCLIFFE PARK
OTTAWA, CANADA

Mr. Fraser

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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Wednesday,
April 3, 1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C. C.J.A. Hughes, Q.C.	Representing the Commission
I.D. Sinclair, Allan Findlay,	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Wednesday,
April 3, 1957.

21ST DAY

MORNING SESSION

--- The Commission resumed at 10.30 a.m.

A.M. FRASER, Recalled

EXAMINED BY MR. LEWIS:

Q Mr. Fraser, we were discussing the 3200 type of engine, the Mother Hubbard, I think you called it, and you said there were two compartments in it; that is not quite so, is it?

A What I referred to as two compartments was a compartment of the cab on the right side and a compartment of the cab on the left side.

Q We were told earlier during the hearing that what you had was a projection of the boiler into the one cab; is that what you had in mind? No one else has suggested, may I add, that there were actually two compartments; it was just the one cab into which the boiler projected some distance.

THE CHAIRMAN: And a person could talk over the boiler by stretching up.

BY MR. LEWIS:

Q And the engineman and the fireman could talk to each other over the boiler; is that what you meant?

A As I recall, the type of engine that I referred to, the boiler was about shoulder height and the compartments that I spoke of were one on the left side and one on the right side and to get from the fireman's side to the deck he stepped down, and in that compartment was a long seat for the use of two men, the head end trainman and the fireman, with one back on it. The head

trainman sat on the front portion of the seat and the fireman sat on the back, when the fireman was there, but my recollection is that the fireman was not there, he was down on the deck.

Q Just standing there when he was not firing, would that be it?

A Because he had so far to go up in there he just stayed in there instead of getting back into his portion of the cab or the compartment I referred to.

Q I am instructed -- I do not know just how important it is -- that when he stayed on the deck when he was not actually firing he could see just as well as or better than when he sat on the seat; is that not right?

A He would have to look out the gangway to do that.

Q I am instructed that he usually leaned on the tender and looked out that way when he was not actually shovelling coal?

A I do not recall that.

Q You do not recall that?

A No.

Q Do you recall -- my note does not say it -- the 2900? Did you have any experience with that class, the F-1, I am told they were?

A They were a passenger engine.

Q They were used primarily for passenger work but occasionally they were also used in freight service?

A I have not made a trip on one of those in freight service.

Q Saskatoon is not in your present district?

A No sir.

Q That is not in the Alberta District?

A No, it is in the Saskatchewan District.

Q You would not know whether they have 2900's, whether they use 2900's in Saskatoon, even to-day; or do you know?

A No, I cannot say.

Q When you suggested that in the P-1, that is the 5100 and 5200 -- is that right, that is the P-1 class?

A They are now, yes.

Q And the P-2 class, that would be the 5300 and 5400?

A That is correct.

Q Did you mention whether you had any experience with the 2300; I do not know what class it would be?

A Yes; they are the G-3.

Q I am instructed, Mr. Fraser, that in the G-3, that is the 2300, and in the P-1, the 5100 and 5200, and in quite a number of the P-2, the 5300 and 5400, that the fireman sits out in front and the brakeman sits out behind, and not only behind but some 6 to 12 inches lower than the front of the fireman's seat; is that right or what is your recollection?

A No, that is not right, not during the time I

worked on them. When I worked on the P-1 engine, there were some of them hand-fired. They were then I believe the 5000 class, and stokers were put on them, and if I recollect they were renumbered into 5100.

Q What is your memory of the seats when you worked on them?

A Well, the seat was not lower than the fireman's seat.

Q It was behind the fireman?

A Oh, yes, on the stoker type, yes.

Q And on the hand-fired type?

A On the hand-fired the seat was ahead of the fireman.

Q The seat was ahead of the fireman?

A Yes.

Q That is your recollection?

A Yes sir.

Q You do not remember the back of the seat being some inches lower than the front of the seat?

A No sir, it was not lower.

THE CHAIRMAN: Are they still in existence?

MR. LEWIS: They are, I am told. I hope that during our tour we may be able to see them.

THE CHAIRMAN: We want as many actual facts as possible in order to eliminate any controversy about the matter; we want as many facts as we can get.

BY MR. LEWIS:

- Q As a matter of fact, there are a number of these small facts and just what weight they will have on the issue I am not at all sure, but there is a discrepancy between what I have heard and what I have been told, which has worried me. I am coming to one just now. You stated yesterday, if I remember correctly, that in the case of all road switchers with the exception of the Trainmaster, the front seat is occupied by the brakeman?
- A That was my observation on the trips I made.
- Q Which you recorded in Exhibit 120?
- A That is correct.
- Q You have made other trips as well I suppose; you have made other observations which were not recorded, over the years?
- A Yes; in fact I made one two weeks ago Saturday night.
- Q And was it the case every time you saw a road switcher that the trainman was seated ahead of the fireman?
- A Except on the Trainmaster.
- Q Has that always been so?
- A As far as I know.
- Q I am instructed by engineers and firemen who have been working on road switchers for a long time that they can hardly recall a time when the trainman sat in front of the fireman on a road switcher?

A That is the practice today.

Q That is the practice today; has the practice been changed?

A I do not know.

THE CHAIRMAN: Are you speaking about the same division as this witness is concerned with?

MR. LEWIS: Part of it, I think, Mr. Chairman.

BY MR. LEWIS:

Q You say you do not know whether the practice has been changed?

A I do not know. As far as I know this has been the general practice in the Alberta District.

Q You were talking about what time the fireman would be on the deck when firing a hand-fired engine, first?

A Yes.

Q You said it would be no less than 50 per cent and sometimes up to 100 per cent?

A That is right.

Q Did you ever do any firing yourself?

A No sir.

Q Your experience was in the trainman's end of the work?

A That is correct.

Q And in your observations did you notice whether the fireman took care to space his firing in accordance with lookout requirements?

A No sir, I never saw them space their firing.

- Q You did not notice that at all?
- A No.
- Q You would find him firing on a curve or approaching a station just as often as you found him firing at other times?
- A Oh, yes.
- Q Is that your memory?
- A Yes sir.
- Q You are quite sure of that?
- A Yes.
- Q How are you so sure?
- A Because I can remember how those men had to work.
- Q What do you mean, how they had to work?
- A Well, if they had a heavy train, as I mentioned yesterday, and the weather conditions were not the best, they were busy on the deck practically all the time.
- Q A heavy train going over flat terrain or up a grade?
- A Either.
- Q I am instructed by people who have fired in engines that they cannot recall any time when they were on the deck almost 100 per cent, but you remember noticing them doing that?
- A Yes sir.
- Q And quite clearly?
- A Very clearly.
- Q In the case of a stoker-fired engine, Mr.

Fraser, would you suggest that in all cases the firemen would be busy firing that engine 25 per cent of the time at least?

A No, I did not say firing the engine, no.

Q Doing what?

A He would be on the deck.

Q Doing what on the deck?

A Possibly cleaning it. He might open the fire box door and look in at the fire.

Q Would he do that for 25 per cent of his time as a minimum, is that what you are saying?

A I said on an average.

Q On the average, I do not understand.

A That was my estimate of the average.

Q That was your estimate?

A That is right.

Q If there was nothing wrong with the stoker and there was not a lump of coal blocking the passage of the coal, would he be up on the deck at all during the trip?

A Well, my experience is he was there because these fellows, in my experience, were all very interested in stokers, which were new. I wouldn't say they were a new piece of equipment, but they were a piece of equipment that they took a great deal of interest in.

Q They took a great deal of interest in in the early twenties when they first started?

A I believe so.

Q I think you continued as a trainman and head

end trainman until 1942?

A That is right.

Q If my memory serves me right?

A Yes sir.

Q Then you were a trainman, rear end and head end, after that, for a few years?

A That is right.

Q Did their keen interest in this new toy continue on from 1920 on to 1944?

A It has right up to now.

Q Are they still looking on it as something new that they just go to?

A I didn't say something new, I said something that they are very interested in.

Q And they have continued that interest for the 20-odd years?

A That is right.

Q And they want to look at it and poke at it because they are interested in this medium of providing coal; that is your suggestion?

A My observation was that that is what they did.

A I suppose the firemen you observed were normal, intelligent people?

A I would certainly say that they were.

Q And normally conscientious people?

A Very conscientious.

Q And you think a normal and intelligent person would continue going up to the stoker just because he was interested and would continue

to be interested for 20-odd years?

A That is right.

Q All right, Mr. Fraser. I understand you have had no experience with oil-fired engines at all?

A No sir, not as a trainman.

Q Not as a trainman, but you know something about them, you have seen them?

A I have seen them, yes.

Q What is the seating arrangement on an oil-fired engine?

A As closely as I can remember, the fireman sits ahead of the trainman.

Q I am instructed that the trainman's seat is in the middle between the engineer and the fireman on oil.

MR. SINCLAIR: What class?

MR. LEWIS: I have not mentioned any particular class.

THE WITNESS: There are different classes of oil-burning engines. For instance, there is the H-1 class.

BY MR. LEWIS:

Q And there the fireman sits ahead?

A I might say that I have never made a trip on freight, on an oil-fired engine, in my capacity as trainman or as supervisor.

Q Then your knowledge would be very limited?

A That is right.

BY THE CHAIRMAN:

Q While I think about it, may I ask this question. You were saying, Mr. Fraser, that the fireman, in the case of a stoker coal fed engine, would be spending a lot of time on the deck because of his interest in the stoker. Suppose the locomotive hit something at a time when he was so engaged and it was a case of visiting demerit marks on the engine crew for not having kept a proper look-out. Would the fact that the fireman was on the deck just as a matter of interest and not as a matter of necessity relieve him from a sharing of the responsibility?

A If the investigation developed that he was doing something that was necessary I do not believe he would be disciplined.

Q Quite so, but I had the impression that you were saying that he was on the deck as a matter of interest and not as a matter of necessity?

A Oh well, I don't mean to infer that.

Q What do you mean?

A Because my recollection of stoker fired engines, the fireman kept a close look-out

at the coal going up through the coal trough and the worm working it into the fire box or under the distributor plate and then to the fire box, and if those engines ever stopped getting coal just for an instant the steam would drop back very quickly, and for that reason the fireman paid very close attention to the coal going on to the distributor plate.

BY MR. LEWIS:

Q He could not get any idea as to what was happening by watching ^{the} gauges and the stack or the smoke coming out of the stack? He had to go back and look at the distributor plate?

A He does not have to go back to look at it. It is almost opposite where he sits.

Q He just turns around then?

A That is right.

Q And takes a glance?

A Yes.

Q Is that what you are now saying?

A He turns around and he keeps quite a constant watch on it.

BY THE CHAIRMAN:

Q He would not be on the deck if he was on the seat?

A No.

Q I thought you were saying he was on

the deck?

A Well, he did get on the deck quite often, opened the door, looked in at the fire and cleaned the deck if it was necessary, and he always seemed to be -- well, I will not say always -- he seemed to be doing something that was necessary.

BY MR. LEWIS:

Q With what you have just said would you still maintain that he would average 25 per cent of his time on the deck?

A That would be my estimate, yes.

Q Further to the question asked you, do you know of any case where the fireman was not disciplined when the trainman and the engineer were for failure to keep a proper look-out?

A No, I cannot recall any case where there was such an incident.

Q Without recalling a precise case, do you have any memory of an impression that there were times when the fireman was in fact not disciplined while the trainman and the engineer were? Have you got any general recollection of that sort in your mind?

A Where the fireman was not disciplined?

Q Yes, and the trainman and engineer were, for failure to keep a look-out?

A I have no recollection of it either way.

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Q What do you mean by "either way"?

A Of being disciplined when the fireman was on the seat or off the seat.

Q You are talking about yourself now, about yourself being disciplined?

A Yes.

Q Well, as a supervisory officer do you recollect having to deal with any disciplinary cases in which the engineer and the trainman were disciplined and the fireman was not? Have you any recollection of such^a case?

A No, I have not.

Q Now, you were talking yesterday about the duties of the trainman and you said his major duty was look-out ahead and then he had the duties of running inspection, standing inspection and switching. Those were the four duties you named. Is that right?

A That is correct.

Q What were you told in 1922 when you were hired as a trainman, do you remember?

A I don't understand your question.

Q When you were hired as a trainman, I think it was in 1922 --

A That is right.

Q What were you told as to your duties?

A I remember that I was told that my duty was to ride the engine as headend trainman and to keep a sharp look-out ahead for any

objects on the track, fixed signals,
et cetera.

Q Were you told anything else?

A Yes.

Q What else?

A I was told I had to write the rules and
be examined in them.

Q Yes, and what else were you told?

A Oh, I cannot recall all the things I was
told 34 years ago.

Q Pardon?

A I cannot recall everything I was told 34
years ago.

Q Mr. Fraser, you have recalled a great deal
about what happened 34 years ago?

A That is right.

Q Would you please try to recall this too?

A What was the question?

Q What you were told as to what your duties
were?

A My duties were to keep a sharp look-out
ahead, make running inspections --

Q Is that what you were told?

A Yes sir.

Q And to assist in switching?

A Yes sir.

Q And to make standing inspections?

A Yes.

Q Was that all you were told?

A I was told about the strict observance

of the rules.

Q And you cannot remember being told that flagging was one of your duties apparently?

A I said the rules. If flagging is not a rule I would certainly like to be put straight.

Q When you said "rules" you had in mind flagging?

A Every rule in that rule book.

Q Including flagging?

A Absolutely.

Q You would not consider flagging a particular kind of duty that a trainman has to perform, both rear end and front? That is not in the same class as switching and running inspection in your mind?

A Well, it is all part of your job.

Q And would I be wrong in suggesting to you that particular emphasis was put on your flagging duties as a trainman when you were first hired and taught?

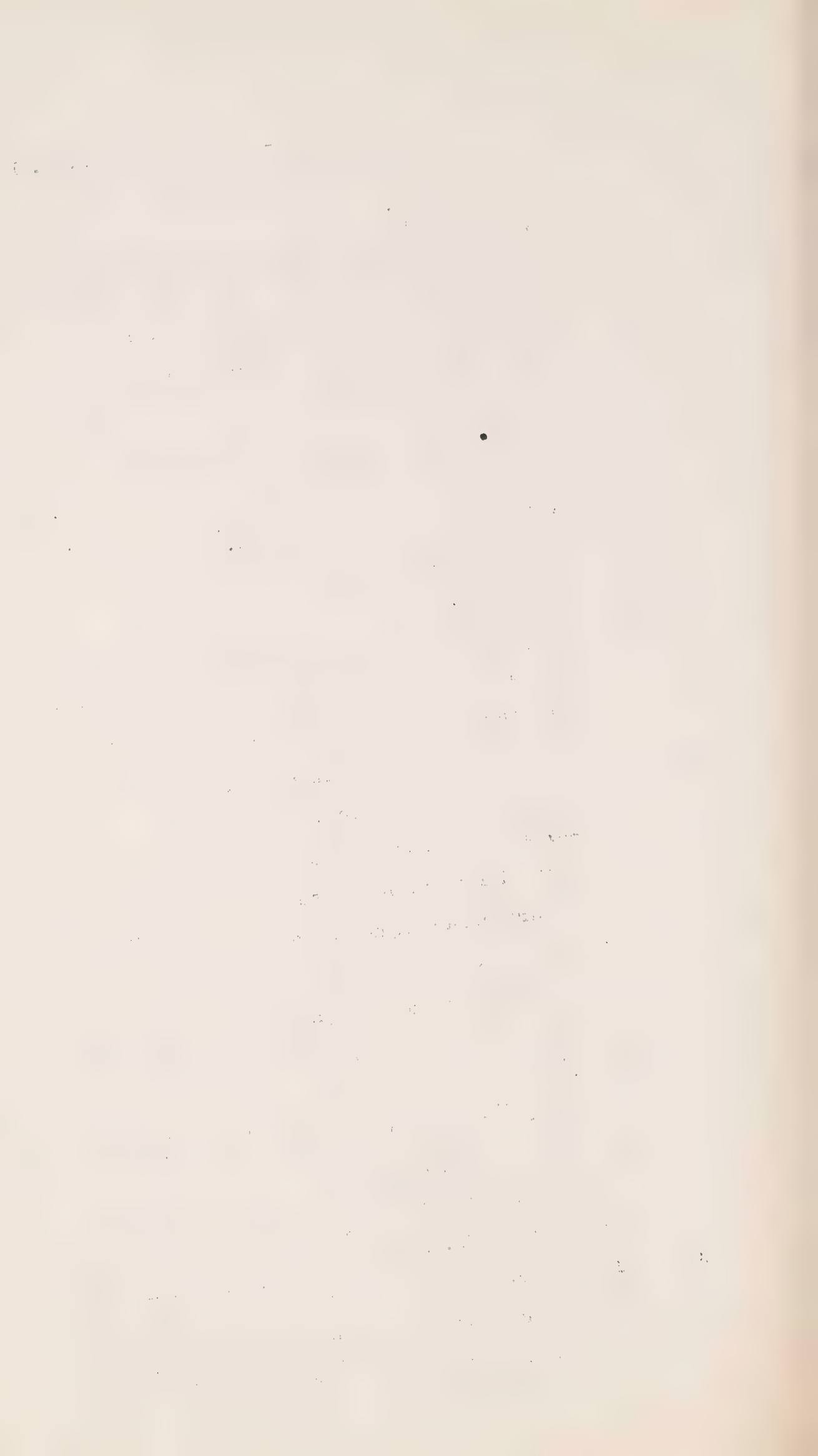
A Yes, I believe you would be safe in saying that.

Q But you forgot to mention that yesterday, the flagging duty?

A Well, did I not mention the rules?

Q I don't know, Mr. Fraser.

A Well, observance of the rules is the thing that you are impressed with and you write an examination on it before you make your



first trip.

Q But there are some special things to learn with regard to flagging, are there not as to what flag you use, when you use a fusee, when you use a torpedo and so on? All these things must have been taught you?

A That is correct.

Q And as an important part of a trainman's duty?

A That is right.

Q I suggest to you that the duties you were particularly taught as a trainman were flagging duties and switching duties and train inspection duties? Were those not the particular things that were stressed to you?

A Not entirely; I was told I would keep a sharp look-out ahead.

Q And on the side?

A And on the side, make running inspections.

Q Yes, and what I am suggesting to you, Mr. Fraser, is that as a trainman you were given the particular duties of flagging and switching and train inspection and were also told that as a member of the train crew you shared the responsibility with everyone else in the cab for look-out ahead? That is what you were told, was it not?

A I told you what I was told.

Q I am suggesting to you now what you were told. Is that wrong?

A You can suggest whatever you wish, Mr. Lewis. I told you what I was told, what my duties were, but there are so many things in a trainman's life or an engineman's life that you cannot be told everything the first day that you are hired.

Q Now, suppose you had an enforced stop of the train. I suppose you have experienced that during your many years as a trainman, something went wrong and you had to stop?

A Yes.

Q An unscheduled stop?

A Yes.

Q I suppose you have had the experience as a trainman that when you made such a stop there was flagging necessary both at the rear and ahead?

A That is right.

Q And you would do the flagging ahead?

A That is correct, if I was the headend trainman.

Q And the rear end trainman would do the flagging behind?

A That is right.

Q And then it would be the engineer and the fireman who would do the look-out from the cab?

- A Well, the train would be stopped at that time.
- Q But if it started moving, if it was necessary, if the conductor gave a signal to proceed or to back up or to take part of the train on a siding or to set off a crippled car, all of those things that happen in railway experience -- they do happen, do they not?
- A Unscheduled stops?
- Q Yes.
- A Yes.
- Q And for the reasons I have given, among others?
- A Yes.
- Q And you would be out flagging and the rear end trainman would be out flagging?
- A That is right.
- Q And if any movement of the train was made forward or back then the engineer and the fireman would be there to keep a look-out?
- A There would be no movement of the train under those conditions unless the conductor was up there in the engine.
- Q You mean he had to be in the engine? He could not give a signal to proceed or back up from the ground?
- A He would not do that.
- Q Why not?

- A. Because it would not be practical to do that.
- Q Why not? Suppose you had a train of 40 cars. In those days that would be a pretty big train, I suppose?
- A This is on the main track you are talking about?
- Q Yes, and something happens and you want to take the train in the siding/^{to}set off a car?
- A Oh, this is at a siding you are talking about, not between stations.
- Q No, at a siding?
- A Well, a siding, you do not go out flagging at a siding.
- Q Do you not ever do that? I did not say on the siding. You stop on the main track for the purpose of setting off a crippled car in the middle of the train. That happens?
- A Yes.
- Q You were on the main track and therefore flagging would be necessary in certain cases? Is that not right?
- A You mean at a station?
- Q Is a siding always just at a station?
- A Yes, that part of the station is a siding.
- Q Some kind of back track where you --
- A A back track, yes.
- Q Where you want to put a crippled car off? .

A Yes.

Q And at no time did you have the experience when that would be done that you and the rear end trainman had to go out flagging?

A Never had it.

Q You never had it?

A Not ^{at} a station, no.

BY THE CHAIRMAN:

Q Would you not have sidings at places between stations?

A Well, no, a siding is at a station. That is the usual practice.

Q Well, what I call a siding would be a stretch of track along the main track, and whether or not that is the technical name, does the railway have such sidings between such stations?

A It would be named and be a station. That is what we refer to. It might just be a siding and there might not be any town there or there would not be an agent there possibly, but it would still be a station.

HON. MR. McLAURIN: You use "station" and not "depot"?

THE WITNESS: That is right.

BY MR. LEWIS:

Q But the fireman would not go out flagging as a rule, would he?

A I don't ever recall seeing a fireman going flagging in my experience.

Q And that was your duty as head end trainman?

Is that right?

A Flagging was my duty, yes.

Q When it had to be done you did it?

A When it had to be done I did it.

THE CHAIRMAN: Nobody has told us with respect to the first day he hired on as a trainman just what is involved in flagging. I gather that means that the headend trainman who is doing the flagging has got to stay out in front. He cannot put down a flag or a fusee and come back to the train again and do some other work.

MR. LEWIS: I understand that might also be done. It depends on the circumstances, and I intend eventually to have a trainman describe that. Frankly, I will not undertake to do it myself.

THE CHAIRMAN: In your question to the witness you were assuming, I gathered, that he was anchored with the flag up in front?

MR. LEWIS: I am instructed that happens quite often in regular railroading.

BY MR. LEWIS:

Q Is that not right?

A It is very seldom that the head trainman has to go flagging, very seldom.

Q Most of the protection is for trains?

A Following trains.

Q Following trains, is it?

A The train will have the right by train order or by timetable schedule to proceed from A to B to C, etc.

BY HON. MR. MARTINEAU:

Q Once in a while you do have to flag?

A Once in a while he might have to flag.

Q Then, in certain cases would he have to stand in front of the engine at some distance?

A Oh, yes, there is a required distance under Rule 99 that he must go to flag.

Q And he would remain there while the train would be at a standstill?

A Until he was recalled, yes, sir.

Q Who would recall him?

A The engineer on the instruction of the conductor.

BY MR. LEWIS:

Q By a whistle, I believe?

A That is correct.

Q You say very seldom you have had to do flagging out front. When you say that, that would refer to single track?

A That is correct.

Q On double track it would not be so seldom?

A Well, it is not often, because I was the head end trainman on double track for a long time, and I can count on one hand the number of times



that I have flagged ahead.

Q In all those years?

A Yes.

BY THE CHAIRMAN:

Q Would it not be more often on a single track than on a double track because there would be no train approaching from the front on a double track; movement would be all on the other track?

A If I can explain it, sir, the train is operating in a direction on train order or on a schedule, on a timetable schedule.

Q Say it is going west?

A It is going west, yes, and having the right to run between stations.

Q There would be no train coming east on that double track, would there?

A No.

Q Under what circumstances would the head end trainman be flagging in front of his train on a double track?

A The only time would be if you stopped between stations for some unknown reason and you could not see that the track, the other track, was clear. For instance, if there was a broken wheel or a journal, and the cars might go over and foul the other track; that is the only --

Q Yes, unless your train was fouling the other track there would be no occasion on a double track to flag in front?

A Not a bit, no, not a bit.

Q You say that on the single track the situation would be different. I suppose it might happen that a train was going a certain distance to the station or to a siding or off the main track to allow a train coming in the opposite direction to pass, and for some reason something happened, you could not make that station.

A That is the condition that would require it.

Q In that event the trainman would take a flag and go in front?

A Yes.

Q You say under those circumstances he would always have to remain out with a flag; he might put the flag there or the fusee there. Would he come back?

A He would remain there until he was recalled or relieved.

Q Under what circumstances would he be recalled?

A I can't think of any at the moment. The conductor, in a case of that kind, if they broke down for some reason, the engine might be low in steam or they might have a hot box or something, some damage to a car of a train that required them to stop and they could not make the station ahead that they were trying to get to for a passing train; well, in that case the trainman would go ahead and flag.

Q And stay there?

A Yes, he would keep going right as far as he could to hold the other train at that point.

Q Yes; he would not be recalled to the train under those circumstances?

A No.

Q Until the conductor knew that the other train had been taken care of?

A That is right, sir.

BY HON. MR. McLAURIN:

Q He would go say 100 yards or 500 yards, some distance, then he would get the signal attached and no longer remain on flagging duty?

A Yes.

Q Probably at night he would put out fusees?

A Yes.

Q Once he has walked back, does he leave the fusees there or throw them away?

A No, you leave a fusee burning red at the point from which you return.

Q You walk back to the train?

A Yes, sir.

Q The train never moves up to you?

A No -- well, it can if the conductor came up and -- the conductor has a train telephone in the caboose that he can connect to the wires and talk with the despatcher, and if the despatcher should give him the right to move, in that case the conductor would deliver the order to the engineer and then they would proceed.

Q Would that be by a hand signal?

A No, walk up and tell him.

Q Then they might move 300 yards to pick you up?

A Yes, along to where the flagman was and pick him up and proceed in the regular way.

BY THE CHAIRMAN:

Q Would he remain there in those circumstances until he was picked up?

A Yes.

Q Are you sure?

A Well, I have not had it happen, but I would feel safe in saying that the tail end trainman is out flagging, and he would be called in, and when he called him in there would be no point in leaving the head trainman there, so you recall him, too, and he would likely walk in.

BY MR. LEWIS:

Q You do not remember any such **experience** yourself?

A No, I have not had it.

Q With respect to this telephone in the caboose, has it been there for many years?

A As long as I can remember.

BY THE CHAIRMAN:

Q That would have to be taken out and attached to a line some place along the route?

A Yes. The train telephone I just referred to is a portable telephone that hangs on the wall, and there is a roll of wire, and then there is a pole you fasten the wires to and it is hooked up over the line wires out on the roadway.

BY MR. LEWIS:

Q Turning to another point, you said you did not remember any discussions between the engineman and the other head end crew regarding a meet?

A I did not say I did not remember any discussions; I said they were not consulted, if I recall.

Q Oh, I see. You said the engineman made up his own mind and he would not consult anyone else?

A He would not consult him as to where do you think we are. I can recall a case just recently where we came out of Field and left at 9.30 and the engineer said, leaving Field, "If I make a good run I can go to Lake Louise in an hour and ten minutes." There was a train opposing which was due at Lake Louise in an hour and twenty minutes, but he did not make as good a run as he normally did and he did not ask anyone as to what he should do. When he got to Stephen he just shut off the engine and headed in there.

Q But the other members of the head end crew would be responsible for making sure that the engineman did the right thing in those circumstances?

A Oh, yes, they would be held responsible; if he did not they would have certainly said something.

Q If he was not doing the right thing they would have had to draw it to his attention and insist that he go in somewhere else or

slow down or speed up or whatever is necessary?

A In my experience our engineers do not need that.

Q They never made an error; is that your point?

A Not that I ever knew of any time I was on an engine.

Q But normally Rule 210 (e), Exhibit 27, page 75, would apply, would it not? I can read it to you:

"Conductors and enginemen must require members of the crew to read aloud and know contents of all train orders as soon as practicable after they have been received. Members of the crew are required, if necessary, to remind conductors and enginemen of their contents."

That is on page 75. That would apply to firemen and the head end trainmen; they would be required to remind the engineer of the train order, and if they did not and something happened they would be held responsible?

A There was no train order.

Q I beg your pardon?

A There was no train order.

Q What do you mean by that?

THE CHAIRMAN: In the case mentioned.

BY MR. LEWIS:

Q In the case that you mentioned?

A Yes, that is right.

Q Generally, whether it is by time cards or train order they would have the duty of reminding the engineer if he were not going to make it; is not that right?

A The meet, yes; the train order meet.

Q Yes?

A Yes.

Q I ask you this only because of your general statement of the engineer checking his time with the fireman, checking his watch, that is to say, with his fireman, just to make sure that his watch is o.k.?

A Not only with the fireman.

Q Also with the brakeman?

A Yes, sir.

Q You do remember him checking it with the other members of the head end crew?

A Yes.

Q As he went along and was trying to make a certain time, whatever the requirement was?

A Well, the conductor and the engineer compare watches before the trip starts.

Q But during the trip I am talking about, when the engineer has to make a certain meet or get somewhere by a certain time or for other reasons, do you know in your experience of his checking his time with the other members

of the head end crew?

A Yes.

Q For that purpose?

A Yes; I have seen the engineer pull his watch out and say, "What time have you got?" Just make it a general question, "What time have you got?" "Well, it is 11.09 and 20 seconds."

Q When you came on as a head end trainman was there a requirement that you have a standard watch the very first day you went out with the crew?

A Well, I had one and I feel sure that there was.

Q You had one the very first day you went out with the crew?

A Yes, sir.

Q I am instructed that trainmen are not required to have the standard watch for the first six months of their employment. Is that wrong, from your knowledge?

A Yes, according to the rule our trainmen all get watches when they start.

Q They do get watches when they start?

A Yes, sir.

Q Standard watches?

A Yes, and if they cannot pay for it there is an arrangement with the watch inspector that will permit them to buy it on time; I might add that.

THE CHAIRMAN: It seems to me I have read certain advertisements to that effect.

BY MR. LEWIS:

Q If I got it correctly you also said that through trains, or was it symbol trains only, did not do very much switching en route?

A No, sir, symbol trains do very little switching.

Q Very little switching?

A In fact, none at the Alberta District.

Q Well, perhaps I do not know what a symbol train is and that probably explains it, but I had better check this so I can understand it better. Take Exhibit 120 -- you have a copy of that?

MR. SINCLAIR: "Trip record", Mr. Fraser, is Exhibit 120.

BY MR. LEWIS:

Q Page 2, Mr. Fraser, I am referring to. You would call it a symbol train?

A Yes.

Q And it did some switching?

A No, it did not do any switching.

Q Oh, you make a distinction between switching and setting off cars; is that it?

A Yes.

Q It is my misunderstanding of the rules, is it?

A Yes.

Q You say that these symbol trains may set off cars but they would not do any switching?

A No; that is correct.

Q These six cars that you set off at Wetaskawin were for what, grain elevators?

A They were set off in the elevator track.

Q You would not be spotting them?

A No.

Q You just set them off any which way?

A That is right.

Q Who would spot them?

A I would not be able to answer that, but it would be an extra train of some type, a way freight more than likely.

Q You know a great deal more about this than I do, Mr. Fraser. I find it very hard to understand why you would take six cars which are to be used in grain elevator work and just plunk them down on the track any which way for someone else to come and put them in their places. Is that the way you do it?

A No, sir. I think I explained this yesterday. These six cars that were set off were at this junction point for movement to branch line that runs off of the main subdivision on which we were travelling.

Q I see. They were not at the elevator? Someone else would take them over to the branch line to the elevators?

A In following my reports, the train that I made the next trip on did just that.



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Q At Wetaskiwin?

A Yes.

Q There were freight cars you set off.

A Yes.

Q Then, you speak of it on page 3, and that would be a symbol train, you said?

A Cars at Millit and Camrose and that would be in the same way. Millit was an unscheduled stop due to a hot box, as I think I explained yesterday. Q.I am reading here, "Switching performed at Wetaskiwin, cars set out at Millit and Camrose"?

A That is correct.

Q And at Millit it was a crippled car?

A It was a car that had developed a hot box, yes.

Q And at Camrose and Wetaskiwin?

A At Camrose it was a straight set off.

Q And at Wetaskiwin?

A It was a straight set off. There was not switching at the station. There was switching to bring up his own cars, if you understand what I mean.

Q No, I do not; I am sorry.

A When you spoke to me about switching, I refer to switching as something in connection with the station at which they are standing.

Q When you think of switching, you think of either picking up or setting off cars in a

A.M.Fraser

particular place for the station at which they are due or from which they are to be taken?

A Yes, but in this case, this was switching out cars for their own train. When you asked me if symbol trains do switching, the switching that they would do would be for their own train inmaking a pick up such^{as}/at Wetaskiwin.

Q They would make a pick up and put it on to their own train?

A Yes, and possibly they might have to switch.

Q For that, they would have to switch?

A That is right.

Q But you do not think of that as switching?

A No, not in the strict sense of the word as for a station, in this particular instance.

Q On page 4, Mr.Fraser, is that a single train or an extra train?

A That is an extra.

Q That is an extra?

A Yes.

Q Would it be the kind of extra that you sometimes give a specific time for in a footnote? I have seen, Mr. Fraser, in footnotes -- as a matter of fact, I think there is one in the exhibit that was filed, as a footnote on your time card, where it will say that trains so and so should leave

A.H.Fraser

A at such a time and arrive at D at such a time, but it is not on the main timetable. It is given a time in the footnote?

A That makes it a symbol.

Q That makes it a symbol train?

A Yes.

Q All right?

A You possibly have seen those.

THE CHAIRMAN: Are you thinking of Exhibit 25?

MR. LEWIS: I think it is.

THE CHAIRMAN: What note is it you had in mind?

MR. LEWIS: I think there is a footnote saying a certain train should leave here at such a time and arrive somewhere at another time.

MR. SINCLAIR: Exhibit 25 was timetable 108.

HON.MR.McLAURIN: Have you not in mind those orders Mr. Fraine put in which said, "Travelling four hours late".

MR. LEWIS: I think it was an Exhibit put in by Mr.Fraine.

THE WITNESS: On page 4 of timetable 94 of the Alberta district there are some examples.

MR. LEWIS: I will find it later. I could not find it this morning amongst my papers, but reading one from the page my friend can see it. You have this kind of thing.

BY HON. MR. McLAURIN:

Q It is confusing to me. Is an unscheduled train always travelling under train orders?

A An unscheduled train?

Q Yes, I thought you said No.4 was an unscheduled train?

A No, I did not say that, sir. There was a schedule for it in the time table, a fourth class schedule.

Q There is a schedule for everything?

A No, some trains operate on train orders.

Q Exclusively on train orders?

A Yes, an extra would operate on train orders.

Q And some trains are operating on a schedule and have supplementary train orders.

A Oh, yes, they will be to run late, and I think it gives them meets and passing trains.

Q We will be ready for our B Book pretty soon.

BY MR. LEWIS:

Q You call those trains symbol trains, the ones you spoke of in the Alberta district?

A Yes.

Q They are symbol trains, although they are not in the main schedule of the timetable?

A Yes.

Q You are referring to them and you say these symbol trains do not do switching in the narrow sense that you have defined it?

MR. SINCLAIR: In the correct sense.

MR. LEWIS: I am not at all sure about that.

A.M.Fraser

MR.SINCLAIR: Look at the schedule,
and you will find it.

BY MR. LEWIS:

Q These symbol trains do not do any switching
in the sense in which you have defined it?

A No, our symbol trains are fast freight trains.
We are anxious to get them over the road.
We do not have them do switching at intermediate
stations.

Q What about extras, they do switching?

A Sometimes.

Q Also seldom, are you suggesting?

A I think we have a breakdown of a few sub-
divisions in which we have --

Q The switching?

A Yes.

Q You are referring to your Exhibit 119, I
think it was, that you filed yesterday.
I think that is what you must be referring to?

A Yes, there is a breakdown of four subdivisions
to show where switching was performed en route.

Q By through trains which would include symbols
and extras.

A I would not say symbol trains, no.

Q Pardon.

A Not symbol trains.

Q You mean all the switching that is required
on Exhibit 119 would likely be switching
done by extras?

A.M. Fraser

A Yes, through freight trains; not extras because they could be operating on timetable schedules so therefore they would not be extras.

Q It would include symbol trains?

A Not symbol trains.

Q The timetable schedules; how do you distinguish the one from the other? I am still ignorant of that.

BY THE CHAIRMAN:

Q Have you got Exhibit 119 in front of you?

A Yes.

Q Now, through freight trains on the first line, what does that mean?

A In this case those are through freight trains on the Keewatin subdivision which goes from Kenora to Winnipeg.

Q Regardless of where it goes, what kind of trains are described as through freight trains in this exhibit?

A Those are trains that are not way freights or not symbol fast through trains or switching trains.

Q What are they?

A Those are what we call through freight trains, called at Winnipeg to go to Kenora or called at Kenora to go to Winnipeg.

BY MR. LEWIS:

Q They would be fourth class or third class?

A May be fourth class, may be third class,

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could be extra.

Q But would not be symbol trains or way freights?

A No.

Q Is that what this would cover?

A That is what this would cover.

MR. SINCLAIR: I think I should correct the record here. These records were taken off, and the only thing we excluded from the train count was way freights.

THE CHAIRMAN: That is what the exhibit says.

MR. SINCLAIR: The first column shows 649 trains on the Keewatin subdivision and includes all the trains in the month of November, all the through freight trains, symbol, fourth class, extras of every kind, with only one exception and that was way freight.

MR. LEWIS: If I understand Mr. Fraser's evidence, I think to be fair to Mr. Fraser, he would say that the 57 trains that did switching on the Keewatin subdivision -- am I right that those trains would not include symbol trains?

THE WITNESS: That is right; that is the point I was trying to make.

MR. SINCLAIR: I know he was, but I was thinking the Commission were thinking of the first column and I was trying to clarify it.

MR. LEWIS: Maybe we have confused it enough now so that it is clear, Mr. Chairman.

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THE CHAIRMAN: I think that is correct.

MR. SINCLAIR: I think the exhibit is correct, sir, right from the train sheets, so far as I have been able to check. There may be an error.

THE CHAIRMAN: I think that explanation is correct. He said it was perfectly accurate but it cannot be read by the unwary.

BY MR. LEWIS:

Q Page 12 of Exhibit 120, Mr. Fraser, that would be a symbol train, I suppose, and the same comment would apply there. You say two cars of stock were lifted from the elevator track and at Wetaskiwin three cars set off on signals given to the engineman?

A That is correct.

Q Those cars would not be switched either?

A No, those two cars at Ponoka, they were set out on the elevator track.

BY THE CHAIRMAN:

Q That was a symbol train?

A That is right, just making a lift^{at}/that point.

BY MR. LEWIS:

Q Then, you limit switching to the actual sort of switching in the yard. Setting off or lifting and cars and switching for the purpose of putting cars into the train or setting cars off the train, that is not switching in your understanding; is that it?

A.M.Fraser

A Lifting and setting out is not switching;
that is if you take cars -- this car --

THE CHAIRMAN: "This car", does not mean
anything in the record, Mr. Fraser.

THE WITNESS: I am sorry, sir.

There is a car just inside a switch, and there
is another car three car lengths away from that
car and you want to take a car that is just
inside the switch and put it where the car that
is three car lengths away, and put the car that
is three car lengths away back where the other
one is; we take those two cars up and make a
switch of them, that is what we call switching.

Q Suppose you had to lift two cars which were
in the position you had now described the
two cars as being, and add them to your train,
that could happen, and would you not have to
do the same movements back and forth to get
them on your train, but you would not call
it switching?

A Picking up and setting out in connection
with your own train is not referred to as
switching.

Q Even though you do movements similar to
the movements that the switching train
would do?

A That is right.

Q One of your pages in Exhibit 120, or, I think

A.M.Fraser

it was in answer to a question from Mr. Sinclair you said when the fireman was inspecting the cooling water and so on, and he asked you what was the engineer doing, if my memory was correct you said the engineer was walking around the engine?

A What exhibit was that in.

Q In one of your observations; I do not know exactly which one --

THE CHAIRMAN: Exhibit 120.

BY MR. LEWIS:

Q Exhibit 120, there was one time when you were asked what the engineer was doing. The train was standing at one of the stops, Mr. Sinclair asked you at one time what the engineer was doing while the fireman was checking the oil and water and you said the engineer was just sitting in the cab?

A Yes.

Q Then, another time he asked you what the engineer was doing and you said the engineer was walking on the ground?

A He was walking around the units.

Q He was inspecting the units; you did not mean to suggest he was just taking a walk.

A No.

Q The engineer was on the ground inspecting the engine while the fireman was inspecting the oil and water and whatever else he was looking at, is that right?



A.M.Fraser

A Whatever he was doing, yes.

THE CHAIRMAN: Would you like a break
at this point, Mr.Lewis?

MR. LEWIS: Very well.

--- Recess

--- After recess

A. M. FRASER, recalled

EXAMINED BY MR. LEWIS:

Q Would you be good enough to take EXhibit 120 for just a few minutes, Mr. Fraser, that is the record of your observations?

A Yes.

Q I understand you were accompanied by someone on those observations, on all 12 of them?

A Yes.

Q By one person or more than one?

A More than one on some trips.

Q More than one on some trips?

A Yes.

Q Would you mind saying who they were, who accompanied you?

A The District Master Mechanic and the District Diesel Inspector, I believe on five of my trips, the Superintendent of the Lethbridge Division and Assistant Superintendent, two trips.

Q Two trips each or were they together?

A They were together.

Q On the two trips?

A Yes. The Division Master Mechanic of the Lethbridge Division accompanied me on two trips, and the Road Foreman of Engines was with me for two trips. I believe that is eleven.

E-1.

A.M. Fraser

It doesn't matter. Suppose it was Field to Stephen, it does not matter; when you have an up grade do you think you could have made it with three units only?

A With that tonnage it requires four units, for that much tonnage, from Field to Stephen.

Q To go up that grade?

A Yes. The tonnage is 825 per unit, I believe, or close to that.

THE CHAIRMAN: I am not quite clear what the answer is to the question. Could you have pulled the train from Field to Stephen with one of the four units dead? Is that correct?

MR. LEWIS: That is right. I understood Mr. Fraser to say he could not because it would require four units for this tonnage.

BY THE CHAIRMAN:

Q You could not?

A No, you could not.

BY MR. LEWIS:

Q In a general answer to a question asked by Mr. Sinclair you said that you had discussed it with various people, you had made observations yourself, and there is no place where switching had to be done by giving signals to the fireman; there is no place where it was necessary to give signals to the fireman, even though it may be done; is that right?

A That is right.

A Yes. The ruling grade is from Field to Stephen, which is the Great Divide, and from there eastward it is principally downgrade right to Calgary.

Q So that you were going downgrade from Morley to Calgary when you had one of your four units dead?

A Well, I cannot said it was downgrade, it might have been level; I could find out.

Q If the same thing had happened to you, going say from Field to Hector, which I understand is upgrade --

A Field to Stephen is upgrade.

HON. MR. McLAURIN: Field to Hactor is upgrade, is it not?

THE WITNESS: Yes.

BY MR. LEWIS:

Q I was told that when it was necessary to do so it was at Hector that they applied the retainers, so I assume that would be upgrade?

A The trip I made immediately before that the retainers were put on at Stephen.

Q The trip before that, you mean the one on page 4. You were going west, in the other direction?

A Yes.

Q I am asking about coming east. I am told the retainers would be applied at Hactor.

A. M. Fraser

Q You were always accompanied by one person and sometimes by more than one?

A That is right.

Q Is that it?

A Yes.

Q Now, on page 5 of Exhibit 120 you give an account of an exchange from a leading unit on train No.1 at Morley?

A Yes sir.

Q And adding that to your consist, the unit which had been giving trouble on that passenger train?

A Yes.

Q And which was dead?

A Yes.

Q Mr. Sinclair asked you whether you could continue the rest of your way and you said you could, with three instead of four engines working?

A Three instead of four units.

Q Three instead of four units?

A Yes.

Q Functioning; is that right?

A Yes.

Q That was from Morley to Calgary?

A Yes.

Q I am instructed that that happens to be terrain which is all downgrade all the way from Morley to Calgary; is that right?

F-1
Price

A.M. Fraser

F-1

Q On this Laggan Subdivision did you investigate Yoho?

A Yes.

Q And do you state that in the Yoho yard you can do the switching that is necessary without ever giving any signals to the fireman?

A Yes.

Q That is your statement?

A Yes.

Q And Hector?

A The same thing.

Q Even at the west end of the yard?

A Yes.

Q And you investigated Stephen?

A Yes.

Q And it can be done there at both ends of the yard?

A Yes, sir.

Q And Massive?

A Yes, sir.

Q And it can be done at both ends of the yard?

THE CHAIRMAN: What is the name of that place?

MR. LEWIS: Massive.

BY MR. LEWIS:

Q And the next name is Sawbuck or Sawback?

A Sawback.

Q You investigated that?

A Yes, sir.

Q And you are satisfied that it can be done

without giving signals to the fireman at both ends of that yard?

A Yes sir.

Q Am I right in suggesting to you that it has been done through the fireman, by giving signals through the fireman, at these five points I have mentioned?

A Not to my knowledge it has not.

Q To your knowledge signals were always given to the engineer at Yoho, Hector, Stephen, Massive and Sawback, at both ends of each of those yards?

A That is correct. They are given to the engineer.

BY THE CHAIRMAN:

Q You said to your knowledge. What is your knowledge?

A Well, I have not actually seen switching done there but the local officers of the Calgary Division have assured me that that is the case.

BY MR. LEWIS:

Q Then you said that even at grain elevators it can always be done by giving the signals to the engineer. Is that right?

A That is right.

Q Although you did say, I think, that in many cases -- if it is not in many cases you correct me -- it has been done and is being done through giving the signals to the fireman?

A For the convenience of the crew I said yes, that it was being done.

A.M. Fraser

F-3

Q But you do not think it is necessary at any of these grain elevators?

A No, I don't.

Q In spite of the fact, Mr. Fraser, that I understand there is just a few inches of clearance between the elevator and the train on the side closest to the elevator?

A There is more than a few inches.

Q There is?

A Oh yes.

Q How many inches?

A Well, I would not like to say in inches just how far it was but the elevators are at least six feet back from the rail.

Q And how far back would they be from the cars, Mr. Fraser?

A Oh, roughly four feet.

Q You are stating there would be four feet clearance between the elevator and the train car?

A That is right, at least four feet.

Q At least four feet?

A Yes.

Q Just to be sure I understand you, are you talking about the elevator wall or the elevator platform?

A Well, the platform is a collapsible affair that folds up against the elevator.

Q But usually it is out when you switch at the elevators, is it not?

F-4.

A.M. Fraser

A No, I don't think so.

Q Suppose the platform was out; how many feet or inches would there be between the end of the platform and the car?

A I never measured one. I cannot say.

Q Well, you have just given us your estimate of the number of feet between the car and the elevator building. Can you make an estimate?

A An estimate, I would estimate that those platforms are not more than two feet wide.

Q So that you would have two feet clearance between the platform and the car?

A I would estimate that, yes.

Q And your evidence is therefore that whether the platform is out or not there would be two feet or four feet clearance between the car and the elevator and therefore enough for a man to work between the car and the elevator?

A It could be done.

Q With safety?

A Yes, I would say with safety.

Q And when you spot cars at these elevators do you have to spot them pretty carefully or not?

A I might explain that.

Q Yes, do.

A Most grain elevators up above car height have an arrow painted on the elevator itself and that arrow indicates which way the loaded cars will run from that point, and providing you do not place the cars beyond the spout in the

direction of the arrow it is not necessary to place them to inches. I will go a little further and say that all grain elevators that I know of have a tool which is called a car mover. It is a long-handled instrument that is placed under the wheel and the cars can be moved with it, and in most cases the elevator man will move the car to the exact point that he wishes to have his spout placed in the door.

Q So you do not have to worry about exact spotting?

A No sir.

Q And your crews do not try to spot them so that the spout will reach into the door? If they are out a few inches you do not care?

A No. The elevator people do not object to it at all.

Q And therefore you just place them approximately in the position required and do not worry about them any more than that?

A That is right, yes; as I said, providing you do not get it beyond the point where the car had to be, we will say, backed up the grade, as long as it is placed where it can be moved down the grade.

Q With this long-handled --

A With the car mover.

Q With this long-handled car mover?

A Yes.

BY THE CHAIRMAN:

Q You are speaking apparently of empty cars

to be loaded at the elevator?

A Yes sir.

Q And how is the grain loaded into the cars, by a spout?

A There is a spout comes out of the elevator and it is a telescopic arrangement that can be moved in either direction. They will put it in one end of the car until that part is loaded and then they will switch it around and put it in the other.

Q It is a box car that is used?

A Yes, although on the Alberta district we have been loading some covered hopper cars that were in cement service, but usually it is box cars that are loaded.

Q And this spout is a swinging spout, is it?

A Well, there is a pipe comes out of the building proper and this is fastened on to the pipe, this telescopic arrangement.

Q When it is not in use it is some place else?

A It is tied against the side of the elevator.

Q What is the function of the door of the elevator where these movable platforms are in use? What is the use of the elevator door, to receive grain?

A The door that we are speaking of, sir, is a door on the track side of a grain elevator and it is used by the elevator operator to have a look. He looks into the car and

A.H. Fraser

he also coopers the car with grain doors before he starts loading, and therefore this is an access door to and from the elevator.

Q I think I know what you mean by cooping the car with grain doors. What is the function of the platform?

A It is just for him to stand on.

Q Suppose the door to the elevator is closed. The platform is a movable platform and it is inside?

A No, it is pulled up against the elevator in most cases and fastened up there.

Q If the elevator operator wants to inspect the grain as it is going into the car he opens the door and may drop this platform?

A Yes, and look inside the car or even get in the car because they do get in there at times and shovel the grain back into the corners of the car to get the full capacity.

Q So you say when the cars are being spotted for filling purposes at the elevator normally the elevator doors are closed. or, in any event, these platforms on hinges are pulled up against the wall of the elevator?

A Yes, unless the elevator man is working on a car it is usual to have the platform pulled back against the elevator.

Q So that if the platform is up against the elevator there is, as you say, approximately

A.M.Fraser

four feet?

A Yes sir.

Q Does that apply at all elevators?

A Yes.

Q Have you seen these cars being loaded at elevators?

A Oh yes.

Q And being spotted on to the tracks for loading purposes?

A Yes sir, I have done it.

Q And on what side are the signals in fact usually given?

A They are usually given on the off side from the elevator.

Q That is the left side?

A Well, it depends on which way the engine is headed.

Q So that some times they are given on the lefthand side?

A Yes, we have on way freights done that.

BY HON. MR. McLAURIN:

Q Given in many cases through the fireman?

A Yes, but it can be done the other way.

BY THE CHAIRMAN:

Q I realize that. When you speak of these elevators, are you speaking of small elevators where there would only be room to receive a car or two or are you speaking of much larger elevators?

A.M.Fraser

A Well, country elevators. They go up to ---
I believe that some go up to 25,000 bushels.

Q And how many cars would normally be spotted
at a time for one of the biggest ones?

A Under the present distribution of cars
it is not usual to place more than three
at any one elevator, I would say.

BY MR. LEWIS:

Q Because of a shortage of rolling stock, is
it?

A Shortage of market.

Q Because of the slow movement of grain.

HON. MR. McLAURIN: Everything is backed
up on the farms.

THE WITNESS: The slow sale.

BY THE CHAIRMAN:

Q Just one other question. If the signals
were to be given on the elevator side
under the circumstances you mentioned how
would the ground crew operate?

A Well, they would take a sight point and
see whether they had sufficient room.

Q From the ground or on top of the cars or
both?

A Both.

BY MR. LEWIS:

Q I suppose the top of the car proposition
would not work if you had a diesel locomotive
of more than one unit?

A Oh yes, it would work. It can be done with

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any number of units/

Q You mean the engineer could see the trainman
on the first car?

A Yes sir.

Q Back two or three units?

A Yes sir.

Q You have tried that, have you?

A Well, there has been a test made. I have not
tried it.

- Q Who has made this test?
- A Well, our officers have made a test.
- Q Your officers of your division?
- A Yes, sir.
- Q Recently?
- A Within the last month.
- Q And they have informed you that it does not matter how many units up to four?
- A I did not go into that, how many units, but it can be done.
- Q With more than one unit?
- A Yes, sir.
- Q And the engineer can see the signals?
- A The signals can be made to him from the top of the car.
- Q Two or three units back?
- A Yes; I would not say how many units; it can be done with more than one.
- Q It would be at least two units, then.
- A Very well.
- Q Whether more than two you are not sure of.
- A I am not positive no.

BY THE CHAIRMAN:

- Q This spotting of cars in the elevators would be done how; you would call that switching, I suppose?
- A I suppose -- well, we will call that switching, sir.
- Q What sort of train or locomotive would that be done with?

A.H. Fraser

A Well, at the present time it is done with a steam locomotive, although it could be done with a diesel locomotive; but I am referring to way freights. We have no assigned way freights runs with diesel engines except on the Laggan subdivision of the Alberta district.

Q I was speaking of the kind of train that did this spotting; would that be done by a way freight?

A A way freight or a switcher.

BY MR. LEWIS:

Q What is a switcher train in relation to other trains?

A A way freight is a train that handles cars for local points and also has a car of less than carload freight; whereas a switcher might just be a local pick up train with no way freight less than carload traffic for handling.

Q You said a way freight would be a switcher train. Is that right? I suppose that is so; but during the seasons of heavier grain movement I am told that they become pretty long and heavy trains.

A Well, I can give you an example of a way freight that I worked on at the Winnipeg West, on the Glenbury subdivision. We went west on Mondays, Wednesdays and Fridays and returned to Winnipeg on Tuesdays, Thursdays and Saturdays, and the conductor had an

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arrangement with the chief dispatcher that our train leaving Winnipeg would consist of whatever short haul loads there might be and would be filled out to 50 cars, so that whatever the maximum number of cars we would have in the train would reduce in length as we progressed west from Winnipeg.

Q Fifty cars when you were in Winnipeg would not have been considered a very large train in those years when you worked on it?

A No, I would not say so because the type of engine I worked on could handle 4,000 tons and 50 cars was not a long train for that type of engine.

Q Would a 50-car train now occur fairly often as a way freight?

A No, we do not usually have that many cars.

BY THE CHAIRMAN:

Q I have one question, Mr. Lewis. Going back to the grain elevators again, under what circumstances, if you are substituting diesel for steam, would you require to have more than one unit on spotting cars at these elevators?

A Well, I cannot think of anything sir. If we were going to operate a way freight with diesel power it would be a one unit engine.

BY HON. MR. McLAURIN:

Q Would 99.9 per cent of the movement of grain

A.I.Fraser

be out of the elevator?

A Yes.

Q What they would move in -- I should know it as a westerner --- would be seed grain going to the elevator. Would that be the only movement in?

A That would be in sacks.

MR.LEWIS: Mr.Chairman, some of the road inspection which I have suggested to those discussing the matter with me will be to some of these elevators and to some of the other places which I mentioned, assuming everybody has agreed we go there.

THE CHAIRMAN: We want to speak about that sort of thing a little later; we will do it a little later.

BY MR. LEWIS:

Q Now, with regard to the controlling of engines that you note as a footnote in all of your observations in Exhibit 120, Mr.Sinclair kept on asking you whether the engineman asked the fireman to go back and whether the fireman reported anything to him and your answer in each case was No. What significance do you attach to that, Mr.Fraser, that the engineer did not ask the fireman and the fireman went back to inspect on his own. Is there some rule whereby the fireman is not supposed to go back unless the engineer asks him?

A.M. Fraser

A Not that I know of.

Q I suppose it is likely that the engineer and fireman know each other and the fireman does it as a matter of course, and if there is nothing wrong he does not report what they do about it.

A Oh, could be, but I do not know what would be wrong that he has to go back for unless he got an alarm. There were no alarms on any trips I have made except one I specified.

Q With regard to the tunnel, I think it is?

A Yes.

Q You say, unless there is an alarm there would be nothing for the fireman or the helper to inspect back there.

A There is nothing that requires him back there.

Q Have you had an experience of a fire in one of the back units in your experience in diesels?

A Not on my territory that I can remember.

Q Have you heard of it happening in other territory that you can remember?

A No.

Q You just have not heard about that?

A No fires that I know of in diesel engines.

IR. SINCLAIR: My friend asked us to make a search and we are doing so.

IR. LEWIS: I was asking this witness if he knew about it.

A.H.Fraser

BY MR.LEWIS:

Q If the alarm did go would somebody have to go back, or would you just pull up at the next station, or what?

A Well, there were two alarms that I know of and it was not necessary to go back, so I can only assume that they could go to the next station, without going back, although I am not positive of that.

Q The two alarms you are talking about --- was there only one in that tunnel?

A There were two.

Q In the same place?

A Well, in two different tunnels.

Q Two different tunnels; you said, I think, that the crew knew that it happened, that the moment they got out in the air the thing would get settled and the alarm go off.

A That is what I was informed by the engineer.

Q So they just left it alone because they knew what caused it.

A Yes, that is what they did.

Q Suppose there were an alarm which would not correct itself, have you had any experience of that at all?

A No, I have not; strangely enough the two diesel engines that I have ridden, that is the only two alarms that I have ever heard.

Q In all of your diesel experience?

A.M. Fraser

A Yes, which is not too extensive, although I was superintendent in the Lethbridge division ^{when} diesel power first came there.

Q When would that be?

A In 1952, and I made some trips and this trip I made was the first time I had heard an alarm.

Q Since 1952?

A That is right.

Q Did you make many trips on diesels when you were superintendent of the Lethbridge division?

A Any train that I was on when there was a diesel engine on it I would have a ride for part way along the division. I would not like to estimate how many trips that was because I did not keep any record of it; it was just a matter of going up and having a ride for a portion of the distance that I happened to be going.

Q Then you said that in your opinion it is dangerous for the fireman to go out on the catwalk of a road switcher and open the doors while the train is in motion.

A Yes; I do not think it is a safe practice.

Q But you do know that it has been done.

A I have seen it done, yes.

Q Do you know of any accidents occurring as a result of that?

A I have not heard of one that I can recall.

Q As a matter of fact, Mr. Fraser, there is a

railing all along the catwalk, is there not?

A Yes.

Q About what, three, four feet high?

A Oh, I would say possibly three feet high.

Q About three feet high; and have you ever noticed whether the doors of these engine room rooms, if they are opened, swing very readily that the wind affects them very readily.

Have you ever noticed that?

A My observation of these doors is that they work quite freely.

Q Have you noticed they open when there is a wind, and what effect the wind had on the swinging doors.

A I did not pay particular attention to that.

Q If they work quite freely -- there is a catwalk that is a pretty solid thing, is it not?

A Oh yes.

Q If I remember correctly, it is the usual corrugated floor, or whatever term you would use for it; "corrugated" may be wrong. It is some metal flooring; is that right?

A Yes, that is right.

Q And there is this pretty solid railing, you agree about three feet high?

A Yes.

Q Why do you suggest that there would be danger in that?

A Well --

Q If the door --

A.M. Fraser

MR. SINCLAIR: Let him answer.

BY MR. LEWIS:

Q I want to recall to you your statement that the door swings very freely?

A That is right.

Q And if it swings freely and there are the other things, why do you think there is danger?

A Because when I observed the practice we were travelling at slow speed, and if it was done at high speed I can visualize that one of these doors could slap quickly in the wind and strike a man if he did not have a real good grip on it.

Q Am I right in saying that your evidence now would be that the danger exists when you are going at a high speed, but it does not exist when you are going at a slower speed? Would that be right?

A Well, I suppose any time that you go out on moving equipment there is some danger, and the danger is greater at higher speed.

Q At any time you go out on moving equipment it would be dangerous. Would that be true of standing on the top of a car and giving signals?

A Not at slow speed, no.

Q In standing on top of a car at slow speed there would be no danger at all?

A I have done it so many times, I did not

A.H.Fraser

consider it dangerous.

Q But you do consider it dangerous to stand on a solid catwalk holding on to a solid railing going at slow speed. That would be dangerous?

A You say "holding on to the rail?"

Q There is a rail that you can hold on to?

A I do not know how you would open the door hanging on to the rail.

Q You could not open the door with one hand and, if it were necessary, you could not open the door with one hand and hold on to the rail with the other? Is that what you are suggesting?

A If I can remember these doors right there is a latch on the top and a latch on the bottom, and you hold on to the top latch and the door when you would open it. If the train was running and there was wind --

Q Well, while you are undoing the latch you would be holding on to the door and the latch?

A That is right.

Q Standing on this solid catwalk?

A Yes.

Q You are saying that is dangerous when it is going at slow speed, but on top of a car at slow speed is not dangerous at all?

A I do not think it is a safe practice.

Q Is it or is it not dangerous?

A I do not think it is a safe practice.

Q I am asking you for a comparison. You said there is no danger at all for the man on the top of the car in a slow movement?

A I said that, yes.

Q Are you suggesting that there is danger if he opens the door on this catwalk in slow movement?

A If there is wind, yes.

Q If there is wind when you are standing on the top of the car at the same speed there is no danger?

A There is no comparison of the danger.

Q No comparison?

A No, there is not.

Q Much greater on this catwalk than it is on top of the car?

A I would say yes.

Q When you stand on top of the car you have got nothing to grab hold of if the wind moves you a little?

A You have both of your feet there --

Q You do not have them on the catwalk?

A What I mean by that is that you can spread -- I think someone called spread eagle, I do not know if that is the exact term or not, but you are braced; you are used to the movement of the train and all you have got in your hand at the most is a hand lamp.

Q But when you are on this catwalk you cannot

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brace yourself the same way?

A No, you cannot.

Why?

A Due to the nature of the doors, the manner in which they are on the side of the engine.

Q You cannot brace yourself?

A Not to the same extent, no.

A.H.Fraser

Q Now, I think you said there was no necessity for anyone checking the fuel supply or the sand or the cooling water because they are put in by the maintenance staff; is that right?

A That is right.

Q Do you have any major maintenance points in your district?

A Yes, sir.

Q Which one?

A Alyth.

Q Then, you have intermediate points at which there are some shop people?

A Yes.

Q And who would be the person amongst the shop personnel whose duty it would be to see to it that the fuel supply and the sand supply and the cooling water supply were all right?

A I cannot just give you the man's classification, but it is a member of the maintenance staff.

Q Would I be right in suggesting to you that the person looking after those things, not repairs, but after those supplies would be a wiper or labourer?

A It might be.

Q Wouldn't it normally be?

A I am not sure.

Q You are not sure, and therefore you would not be sure whether he would be on there a

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long time or a short time?

A No, but what I do know is that when an engine is supplied, what I mean by supplied, is when the shop supervisor informs the crew clerk or the yardmaster that he is supplying engine number so and so, that that engine is fit for service and properly serviced.

Q How is that information conveyed, Mr. Fraser? Do you have a regular form in which the foreman or whoever it is, the shop foreman or whoever it is, fills out with regard to each engine?

A Well, the usual procedure is, I think it was explained here to you, when an order comes to run a train from the chief despatcher or the despatcher to the yardmaster, the yardmaster puts an order on the locomotive department that he wants to run a train, the direction does not mean anything, but in some direction. The order is then handled by the locomotive department and the foreman okays the engine and tells the yardmaster he will have engine No. whatever it might be.

Q When you say okays the engine, what do you mean? Do you mean he indicates what number engine it will be?

A That will be it, yes.

Q What happens after that, he says No. so and so

A.M. Fraser

engine will be the one going out?

A That is right.

Q What happens after that?

A It is his responsibility to know that engine is fully serviced and ready for the road.

Q The foreman's responsibility?

A Yes.

Q Does he report to anybody that the job is completed on the engine?

A I do not understand your question.

Q Does he report to you? Does anybody report to anybody, either he or anybody else, report to anybody that the work on the engine is complete and the engine is ready?

A I just do not follow you, Mr. Lewis.

Q You say there is an order placed on the locomotive department and the locomotive foreman then decides which engine is going out on that train?

A That is right.

Q And he writes the number on that order?

A Yes.

Q Then you say it is his responsibility to see that the engine is made ready?

A It might be ready at that time when he says this is the engine that is going.

Q It is his responsibility to make sure it is ready or, if it is not ready, to see it is made ready?

A That is right.

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Q I am asking you, is there any form which he fills out or anybody else fills out to say that all these supplies are there and everything else has been **checkedover**, and so on?

A I have not checked that.

Q You do not know whether there is?

A I am not sure whether that is done or not, but I do know that when an engine turns up ready for service and the foreman has said it is ready for service and has been supplied.

Q Is there any way in which the engine crew is informed that the foreman has so said? Do you know, when the engine crew is taking the engine out, any way in which they are informed of it?

A Well, on at least one trip I saw the engineer talking with the shop foreman at Alyth; whether that is the regular practice or not, I am not able to say.

Q Did you hear what they said to each other?

A No, I did not.

Q You do not know what they were talking about?

A No, I do not know. I did not go over to bother with that.

Q For all you know, they were exchanging some experiences that they had some time?

A That could be.

Q I suggest to you there is no way in which the engine crew is actually informed that all these

things have been done on the engine?

A When they are called, they usually ask, in my experience, I am not saying this is done in all cases, they usually ask, what engine am I getting. That has been the practice over the years.

Q You mean on the telephone or whatever it is?

A Yes, and when they come to Alyth and an engine is supplied, they can feel sure it is fit for service, fully serviced.

Q They have to assume that?

A I would not say they would have to assume it at all, that is just a pure and simple fact of the matter. If the engine is supplied at Alyth, it is ready for service and fully serviced with the necessary supplies.

Q And the engineer and his helper, therefore, do not need to do any checking at all about these supplies, in your opinion?

A The firemen do not have to do any checking.

Q It is the engineer?

A The engineer looks around the engine and sees whatever he requires is there.

Q Are you saying the engineer does have a duty to check as to whether the fuel supply or the sand supply or the cooling water and so on --

A No, I did not say that. I am not sure about that.

A.M.Fraser

Q You are not sure he has any duty to do that?

A I am not sure he has any duty at Alyth at all. I know that is what goes on there, and just what checks he has to make, I am not sure.

MR. SINCLAIR: I have a very few questions of re-examination.

BY MR. SINCLAIR:

Q In your discussions concerning stoker-fired steam engines with Mr. Lewis you used the words that the fireman was interested in these stokers?

A Yes.

Q What did you mean when you used the word "interested"? What does that mean to you? What did you mean to convey to the Commission?

A Well, it is the mechanical part of the engine that he takes pride in, let us say; I do not know what I could say more than that.

Q Why is he interested in it, just because he likes to see it work, is that what you mean?

A He is interested in it because he does not have to shovel coal if it is operating properly.

Q Mr. Lewis asked you a number of questions concerning disciplinary action in connection with the lookout of head end crews, and I think your answer was you had no personal recollection of a situation such as that. In all your years running as a trainman, Mr. Fraser,

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as head end trainman, were you or were any of the crews you were with disciplined for not seeing a signal or overlooking a meet or anything like that? Have you got any discipline on that basis on your record?

A No, sir; I have never been disciplined.

Q Were any members of your crew that you were running with, head end crew disciplined for failure to observe signals and matters of that kind?

A No crew I ever worked with were ever disciplined for any infraction of the rules.

Q Of that kind.

A Of that kind.

Q By the way, just to complete that since I have started, what kind of record have you got? How many disciplinary marks have you got? What does your card show?

A It shows I have a clear record.

Q Not a single disciplinary mark on it throughout the whole years?

A No, sir.

HON. MR. McLAURIN: Sometimes you start off with a zero position and you get demerit marks. And if you are a good little boyd you get a kind of savings badge.

MR. SINCLAIR: Yes. The reason I raised that question the way I did, sir, was because, while you can stand with a clear record I was

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asking him if he had anything on it and he answered No because sometimes you can get them worked off by having a year's clear record.

BY MR.SINCLAIR:

Q You have nothing on it?

A I have five merit marks.

Q I am talking about demerit marks?

A No, I have no demerit marks.

HON.MR.McLAURIN: I used to live in a railroad town, and I know a few firemen.

BY MR. SINCLAIR:

Q Now, dealing with this question of switching en route, I think you have made it clear that spotting cars at elevators would not be included in switching. Would you include coupling up at elevators, coupling up an elevator track; say there were five elevators and you were going to couple the elevator track up and set it up in that way, to have the loads all lifted; would you call that switching?

A That would require switching unless the cars were all loads and you were just going to couple to them and pull them out in one group and take them with you.

Q But that is not the usual thing?

A No, that is not usual.

Q You also explained about the signals, if the fireman was not used as a signal passer, you

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said many times he was because of the convenience to the crew, but if he was not used as a signal passer it could be done, and I think in answer to the chairman you said on top and to my friend Mr. Lewis you said on the righthand side, even if the engine was up against the elevator. Are there any other ways it could be done, elevator track switching without using a fireman as a signal passer? We have the righthand side and the top, are there any other ways?

A Yes, a man could have been sent out ahead of the engine.

Q What do you mean by that, the signals coming from which side?

A If the elevators were on the righthand side of the engine you could have a man on the ground ahead of the engine giving signals direct to the engineer.

Q I see what you mean. Could I put it this way, that they would send signals ahead to be relayed back by one of the ground crew to the engineer?

A Yes.

Q That could be done from the top or even from the lefthand side, depending on location?

A Yes.

Q That is three ways; is there any other way it could be done without using the fireman as a signal passer that you can think of

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offhand?

A We have done it from the top.

Q From the righthand side, from a man in front, from the top and from the righthand side and from one of the ground crew being ahead and relaying it back; is there any other way?

A A man in the cab.

Q Putting one of the train crew in the cab?

A Yes.

Q On what side?

A On the left side.

Q And he could relay across the cab?

A Yes.

THE CHAIRMAN: Mr. Hughes, have you any questions?

MR. HUGHES: No.

--- The Commission adjourned at 12.30 p.m. until 2.00 p.m.

Wednesday,

April 3, 1957

AFTERNOON SESSION

--- The Commission resumed at 2.00 p.m.

MR. SINCLAIR: Mr. Chairman, this morning during my friend's cross-examination there were some questions put as to the level of the front seat and rear seat on the left-hand side of a P-1 engine. It was suggested that the difference would be about six inches. I think that you, Mr. Chairman, suggested that it could be measured.

At noon I arranged to have someone measure it. On the one that we measured there was a difference of two inches. As far as we know, they may not be standard; in other words, there may be a slight variation. But as I say, on the one we did measure, there was a difference of two inches: The front seat was two inches higher than the back seat on the left-hand side.

Now in regard to engine 5157 --

THE CHAIRMAN: Is that a P-1?

MR. SINCLAIR: Yes, a P-1. That was one of the ones that was measured: Front seat 32 inches, back seat 30 inches. Here is another one: Engine 5118 - front seat 31-1/4, back seat 32; engine 5147 - 35-1/2 inches and 33 inches. So there may be a variation. It has been suggested

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that it would not be surprising if one found one with a difference in the opposite way, by an inch or half an inch, or maybe as much as two inches. However, on the ones that we checked none of them are as much as six inches; most of them a little over four inches.

HON. MR. MARTINEAU: Is the P-1 engine Exhibit 91?

MR. SINCLAIR: Yes, 5181 is a P-1.

HON. MR. MARTINEAU: You have a class P-1-E?

MR. SINCLAIR: That may mean it is converted to a stoker. These engines when they first came in were hand fired and then they were converted to stokers. I don't know what the E means -- I am told it is just a series. But that is a P-1 engine. This is a stoker engine, because the next exhibit No. 93 shows the appurtenances.

The next point that came up as to measurement had to do with elevators. While we have been in touch with our people to make some measurements, I do not have the figures yet; but there is a Board order that requires that anything more than four feet high, as I recollect it, has to be a certain distance back from the track. We will be able to give



you exact measurements, but from the knowledge I have of the matter I would say that the clearance as suggested by Mr. Fraser as to the distance the elevator is from the box car is if anything a little conservative, but not too far out.

My next witness, Mr. Chairman, is Mr. George Russell.

GEORGE RUSSELL, sworn,

EXAMINED BY MR. SINCLAIR:

- Q. After coming from the Old Country with your parents, Mr. Russell, you continued your schooling in Calgary and joined the service of the Canadian Pacific in February, 1925 as a call boy in the Calgary shops, is that right?
- A. That is correct, sir.
- Q. And while you were a call boy for a period of about eight months, at that time you made your first trip as a fireman in the Calgary yard?
- A. Yes, I made a yard trip during that time.
- Q. And then you became a wiper and fireman at Calgary, and between September 1925 and December, 1927 you worked sometimes as a wiper and sometimes as a fireman.



Starting in December, 1927, and up until September, 1940, you were spare fireman, fireman, in yard, road freight and in passenger service on the Alberta district. During the depression years when you did not run you went back wiping in the Alyth yard, and in those years you had yard work as fireman when runs were available?

A. That is right.

Q. Starting from 1940, and until 1942, you were running as a fireman in yard, road freight and passenger service in the Alberta district, and from February, 1942 you held a regular assignment as a fireman in the Alyth yard. And after that, for some time, until September, 1947 you were running as a regular fireman on through freight and other types of freight trains in the Laggan, McLeod and Red Deer subdivisions; you also in that period ran as regular fireman in passenger service on the Brooks and Laggan subdivisions.

From September 1947 to June 1949 you were holding regular assignments in passenger service, yard and freight service on the Red Deer, McLeod, Laggan and Brooks subdivisions. Part of that

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time you were also spare engineman running in the yard on freight and passenger service, and were holding a regular assignment at the last from June, 1948 through 1949 in passenger service, yard and freight service. Is that right?

A. That is right.

MR. LEWIS: That is as engineer?

BY MR. SINCLAIR:

Q. That was as engineer?

A. Yes.

Q. Also in that period, or going back a little further than that, from about sometime in 1943 to sometime in 1949 you were the local Chairman of the Calgary lodge of the Brotherhood of Locomotive Firemen and Enginemen?

A. Lodge 635, yes.

Q. In June, 1949 you were promoted to Road Foreman of Engines on the Alberta district, a position you held as road foreman until October, 1953 when you were appointed to Assistant Superintendent at Medicine Hat, on the Medicine Hat division, with headquarters at Medicine Hat, Alberta. And that is the position you now hold?

A. That is correct.

Q. You were also in the Fall of 1949 given a special course at the General Motors



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plant in LaGrange, Illinois on diesels, and also in 1949 you took some special instruction on diesels in eastern Canada for a week or so?

A. I was down at Schreiber.

Q. Now Mr. Russell, would please tell the Commission, while you were running as a fireman or as an engineman what types of steam power have you fired or run on the Canadian Pacific?

A. I think during the time I probably was on nearly all the types of locomotive that Canadian Pacific had; that is, outside of the 2200's, I believe they had them here.

Q. Did you ever fire a wood-burner?

A. No, not a wood-burner. They had the locomotive before my time. Then there was the Camel Back - I believe that is the way they described it.

Q. You did not run or fire them?

A. Then there was the 3100's -- no, that was not it; they built a big engine ...

Q. Was that the K-1?

A. Yes, K-1.

Q. That happens to be the 3100; we will use the engine number or designation.

A. 3100, or K-1.

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G. Russell

- Q. How many of those did the Canadian Pacific have?
- A. Just two.
- Q. You did not run those?
- A. No, I wasn't on them.
- Q. Did you ever run the 2200's?
- A. No. I believe that was an engine that stayed down here; it was never out there.
- Q. You mentioned the Camel Back. I have taken from the records and I would like to file a photograph known in Canadian Pacific locomotive annals as the Camel Back. That is engine No. 784.

THE CHAIRMAN: Exhibit 121.

EXHIBIT NO. 121: Photograph of
Camel Back,
engine 784.

MR. SINCLAIR: This is engine No. 784, classed D-10-c, built by the Canadian Pacific in November, 1905.

BY MR. SINCLAIR:

- Q. That is the Camel Back?
- A. That is what I understood it.
- Q. From your information, where were these engines run?
- A. I believe there were four or five of them came in the Calgary district - not in the

Calgary district, but in the district south of there, and out around there. I was never on one or saw one, but I heard the men speaking about them.

Q. This has two cabs, one half way down the boiler. I am referring now to Exhibit 121, and it shows that there are two cabs, one half way down the boiler and one at the end of the boiler next to the tender?

A. Yes.

Q. From the information you have been able to secure from the company how were the crew assigned on that engine on a freight train?

A. I understand the engineman was on the right side, on the right portion of the centre cab; the head end trainman was on the left side of the centre portion; the fireman was in the rear portion of it.

Q. Was there any provision for communication between the back cab and the front cab?

A. I don't know that they did have any. I believe there was something about a speaking tube.

THE CHAIRMAN: Would the engine look the same on the other side as it does in the photograph?

MR. SINCLAIR: I am instructed that

it does.

THE WITNESS: That is what I understand.

MR. SINCLAIR: For the information of the Commission, according to the information which was given to me by the company, these engines were converted into the D-10 class engine later on; they started out as you can see a 10-c class, and later on were converted by the removal of the centre cab, and adjustments.

follows

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George Russell

BY MR. SINCLAIR:

Q That is the Camelback. Now, we have heard some reference here to engines known as Mother Hubbards. Did you ever fire or run a Mother Hubbard?

A I never ran that type of engine with that cab but I did fire one. The first engine I did fire was a yard engine, the 6000 class of engine, and it was what would be called a Mother Hubbard. It had the cab of the engine suspended over the boiler, the fire box portion of the boiler.

Q Yes?

A It was rather in the shape of a saddle. The back portion of the cab was flush approximately with the boiler head or the fire door portion.

Q Could you move from the right side to the left side or from the left side to the right side of the cab?

A Oh no. The boiler was between the portions of the cab.

Q And where would the crew be positioned on that engine?

A The engineman ^{stayed} in the right portion.

Q Yes. Where was the fireman?

A Well, the fireman's portion of it was the left side. There were two separate doors to enter the cab, one to enter the engineer's portion and one to enter the fireman's

George Russell

portion of it.

Q And how many of these were around Calgary?

A We had about five or six of them. I can recall 6800, 6808, 6809, 6821 and 6828.

Q Were they all the same? Were they standard or was there some variance in them?

A As I recall it, there was a little variation in the boiler on some of them, that is, the fire box portion of the boiler.

Q That was in the cab?

A In the cab.

Q Now, did you ever run what is known as a Mother Hubbard or what has also been described here as a Mud Hen on the road? That is the 3200?

A I never ran one. I did fire on them.

THE CHAIRMAN: I am sorry, is the Mother Hubbard the same as the Mud Hen?

MR. SINCLAIR: One is a road engine, sir. The 3200 is a road engine. We did not put in a photograph of that.

THE CHAIRMAN: Can you tell me the difference?

MR. SINCLAIR: The Mud Hen or Mother Hubbard had pony trucks in front and when they took them into the yard they took off the pony trucks, and I was going to check the photograph to see whether in the yard they had idlers on them.

George Russell

THE WITNESS: No.

MR. SINCLAIR: Did they have idlers?

THE WITNESS: No.

MR. SINCLAIR: In neither service did they have idlers. The idlers are the wheels behind the driving wheels. The pony trucks are the ones ahead of the driving wheels. We did file a photograph of a 6000 yard engine. One other witness, I think it was Mr. Mountstevens, spoke of them also as Mud Hens or 3200's.

THE CHAIRMAN: It is the same engine.

MR. SINCLAIR: The same engine.

BY MR. SINCLAIR:

Q Now, you said you fired these 3200's on the road, Mr. Russell?

A Yes.

THE CHAIRMAN: What does the "32" mean?

MR. SINCLAIR: The 3200 is a Mother Hubbard or Mud Hen, so called.

THE CHAIRMAN: I thought you call them 6000's.

MR. SINCLAIR: That is when it is in the yard, sir. The 6000 is the Mother Hubbard or Mud Hen converted to yard service by removing the pony trucks.

THE CHAIRMAN: And 3200 on the road.

MR. SINCLAIR: 3200 on the road.

BY MR. SINCLAIR:

Q You fired this type of engine on the road, Mr. Russell. Would you just explain how

George Russell

you did it when you were a fireman, where you would be and what you would do?

A That was a rather rugged engine to fire. It was without superheaters.--

THE CHAIRMAN: Would you keep your voice up, please.

THE WITNESS: It was without superheaters and no arch. It was a simple boiler. The firing was done from an apron on the tender. It was a deckless engine, no deck on it.

BY MR. SINCLAIR:

Q Where you step down, we have heard talk about stepping down to the deck and you call ^{that} the apron?

A The apron.

Q That is the correct name for it but we have been calling that the deck and so that we will not have confusion of terms will you refer to that as the deck?

A All right.

Q Yes?

A On the road with that type of engine, while it was working there was considerable work attached to the firing of it and it was an awkward cab. It was worse than awkward. It was hard work to get up and down. Consequently we had an old spike keg on the tender and used that for a seat rather than go up and down, climb up and down.

George Russell

- Q When you were going over the road how much of your time would you be down on the deck on that kind of engine?
- A Oh, over all I would say you would be down there 75 per cent of your time.
- Q And you would be up in the cab 25 per cent when you were on the Mud Hen or Mother Hubbard?
- A If it was where there were hills long enough that you could get time to sit down you might, but you would be --
- Q Do I understand you to say, Mr. Russell, that if the engine was drifting on a down grade on a long hill you might slide up into the cab?
- A Slide up and sit down for what space of time you could get. You couldn't very well leave the deck on them. They didn't have a good injector, for one thing, it was an old design of injector.
- Q Just talk across this way so the Commission can hear you.
- A You pretty well had to stay on the deck with them.
- Q Have you hand fired what is known as the N-2?
- BY THE CHAIRMAN:
- Q Before you leave that, did you have anybody else in your cab with you on this 3200?
- A Yes, the trainman sat up on that side.

George Russell

Q Whereabouts did he sit?

A He sat on the seat that was ---

Q Forward or rear?

A There was just -- not very long but a box affair in there.

Q That is the same seat that you had when you had time to sit on it?

A Yes.

Q Where did the trainman sit and where did you sit on that box when you were sitting there?

A Oh well, he sat on the front portion of it.

Q In front?

A In front, yes.

BY MR. SINCLAIR:

Q Just generally so that we can follow through the chairman's thought, on these steam engines that you have hand fired or run, on a hand-fired steam engine what would the seating arrangement be on the lefthand side with relation to the fireman and the head trainman?

A The seating arrangement on a hand fired engine.

Q Yes?

A The trainman sat in --- it was a collapsible --

Q I am talking of hand-fired engines, not the 3200's, all types?

A It was a collapsible seat. It had one spike

George Russell

leg on it and it sat ahead of the fireman between the cab and the boiler.

Q Is that on all types of hand-fired engines?

A Well, the P-1.

Q The N-2?

A The N-2.

Q The G-3?

A The G-3, no.

Q Was that a stoker engine?

A They were stoker.

Q What about when they were hand-fired?

A That is the 2300?

Q Yes?

A Yes.

Q When they were hand fired where would they be?

A They sat to the rear of the fireman.

Q The head trainman did on a G-3?

A Yes.

Q When they were hand fired?

A Yes.

Q What about the other classes, the G-5 or whatever the classes were? Would you just tell the Commission?

A The 2500, they sat up ahead. That was the G-2.

Q Who is "they"?

A The trainman.

Q Yes?

George Russell

A The 500 and the 1000 class, the 600 to the 1000 classes --

Q The 600 to the 1000 classes are known as what, the D-4?

A D-10's.

Q Where did they sit there?

A They sat in front.

Q "They" being the trainmen?

A The trainmen, pardon me.

Q What classes would there be of steam-powered hand-fired engines that you can recollect where the firemen would sit ahead of the trainmen? You have mentioned ^{the} G-3. Any others?

A That is the only one I know.

BY THE CHAIRMAN:

Q Why the difference between the G-3 and the others?

A I think, sir, the accommodation between the cab and the boiler on these smaller engines, such as the 500, 600, 3400, 3500, made it possible to put that seat in there ahead of the trainman.

BY MR. SINCLAIR: A. Ahead of the fireman.

Q Ahead of the fireman./ Well, it was logical to have the fireman's seat at the back so he could do his work.

BY THE CHAIRMAN:

Q Why was it not logical for the fireman to sit at the rear on the G-3?

George Russell

A I am not just sure in my own mind. As stokers

--

Q No, we are talking about hand-fired?

A The hand-fired engine, I am pretty sure that seat was behind.

Q What seat was behind?

A The trainman's seat was behind the fireman's.

Q That is what you said, but I was asking you why was it not just as logical to have the fireman's seat behind the trainman's on the G-3 as on these others?

A Well, they had a different type of cab, sir. This engine came out with a big vestibule cab.

BY MR. SINCLAIR:

Q Was there room for a seat ahead of the firemen between the boiler and the side of the cab on the G-3?

A No.

THE CHAIRMAN: If this subject is important

MR. SINCLAIR: Yes, I realize the situation, sir. I want to clean this up with these people who have had a lot of experience, Mr. Chairman, in running engines.

BY MR. SINCLAIR:

Q On a stoker-fired engine what would the seating arrangement be as to sitting on the left side as between the head trainman and the fireman?

George Russell

- A On the stoker-fired engines the trainman sat behind the fireman either on a raised portion of the deck or a seat that was attached to the back of the cab next to the left door.
- Q Why was there a change in the seating arrangement in the move from hand-fired to stoker-fired?
- A Well, when they applied the stoker they had to provide a place for the appurtenances, the valves, the various operating valves for the stoker engine. . and that took the space where the seat would have been.
- Q Well, for the fireman to run these valves did he have to sit forward?
- A Forward, yes.
- Q And ^{to} run these valves and adjust them he had to take the forward position on the lefthand side? Is that what you are saying?
- A That is correct.
- Q All right. Now, oil-fired steam engines, what is the situation there as to sitting on the lefthand side?
- A We had the 500's that were converted and the seating arrangement was left the same as when it was a hand-fired engine.
- Q What would that be?
- A That would be the trainman ahead of the fireman.
- Q Yes?

George Russell

A On all other oil burners the trainman sat behind the fireman.

Q Now, diesels, did you ever actually run as a fireman on a diesel?

A No sir.

Q Did you ever run a diesel?

A Not in the capacity of an engineman.

Q Either on the road or in the yard?

A I did in the yard, yes.

Q You ran diesels in the yard as an engineman?

A Yes.

Q And you ran them on the road in what capacity?

A As road foreman.

Q Now, Mr. Russell what is the seating arrangement on these diesels? Let us take the road switcher types, the G.M.'s and Alcos?

A The seating arrangement is one seat on the right side of the cab and two seats, one behind the other, on the left side of the cab.

Q And who sits in the forward one and who sits in the back?

A On the left side of the cab the fireman sits in the back seat and the trainman in the front seat.

Q That applies to Alcos and G.M.'s?

A Yes.

Q Have you ever run into any exceptions to that?

A Yes, I did.

Q What was the exception, the reverse?

George Russell

A Pardon?

Q Were the fireman and the trainman reversed?

A Yes.

Q How many of those have you seen?

A One.

Q On Trainmasters --

THE CHAIRMAN: Is there a particular type of engine involved or was it an accident or what? Let us clear it up as we go along so we will understand this exception. What is it?

BY MR. SINCLAIR:

Q What kind of engine was it? Was there any unusual feature about it?

A No, it was a General Motors switcher type.

Q A road switcher?

A A road switcher. I don't know --- no one said anything. It was an unusual experience to me, but the fireman occupied that front seat.

THE CHAIRMAN: I understand it now. I did not know whether it was a matter of construction or what it was but you have explained it.

BY MR. SINCLAIR:

Q Now, Trainmasters, what has been your experience as to the seating arrangement on the lefthand side of Trainmasters, Mr. Russell, in freight service?

A Two seats in freight service, the same arrangement applied.

Q What is that?

George Russell

A The trainman sat in the front seat and the fireman in the rear.

Q Have you ever seen any exceptions to that?

A No, I have not.

Q Have you ever heard of any exceptions?

A No, I have not heard any discussion on it at all.

Q Did you hear Mr. Fraser tell of his experience in Trainmasters?

A Yes.

Q His evidence was that the fireman sat ahead and that the trainman sat behind. That has not been your experience?

A No, I thought that was unusual.

Q You thought what Mr. Fraser said was unusual?

A Yes.

Q How long have you had anything to do with Trainmasters?

A We have had them about three months, I would say.

Q Three or four?

A Possibly four.

Q When did you get them, approximately?

A Oh, possibly three or four months ago, I think, when they came there. I could be wrong on that. It is not too long ago.

Q It might be six months?

A It could be.

BY THE CHAIRMAN:

George Russell

Q What was the length of your experience on diesel engines in the yard?

A In the yard?

Q Yes.

A It was for spare trips. I never did work a regular assignment for any length of time.

Q How long did this period of spare trips cover?

A It would be over a period of three years or a little better.

Q Just as an engineman?

A As an engineman, yes.

Q And when you were not working as a spare engineman on diesels what were you doing in that three-year period?

A Fireman.

Q Fireman on what?

A I would be on a passenger train or on a freight pool.

Q That would be steam?

A Steam, yes sir.

Q Not diesels?

A Not diesels, no.

BY MR. SINCLAIR:

Q Have you ever run a 5900, a T-1?

A Yes sir.

Q They were oil-fired. None of them was ever stoker-fired?

A They came out as oil burners.

George Russell

Q They are a very large steam locomotive?

A They are.

Q How many tons could they haul?

A Tons?

Q Yes, what/would be a good train for them?

A Their tonnage west out of Calgary as I recall it was 3,200 tons.

Q West out of Calgary, and east out of Calgary what could they haul?

A It would be in the vicinity of 6,000 tons.

Q And^a/how many car train would that be, for instance?

A Well, they would get -- you can get up to 100 cars or possibly more than that.

Q Probably more than that? That would be loads, would it?

A Well, of course, I would have to stop and figure to get loads.

Q For instance, with some of these steam engines that you run, either your P-2, P-1 or some of these other larger steam power engines, how many cars would you have either running as fireman or engineman?

A The maximum?

Q Yes.

A Up to 100 cars.

Q In what territory would that be, south of Calgary, east of Calgary, west of Calgary?

A West of Calgary, eastward trains and east

George Russell

of Calgary we would get trains up to that.

MR. LEWIS: I am sorry, that is with what type, the T-1?

MR. SINCLAIR: That is the P-1 and P-2.

BY MR. SINCLAIR:

Q What about the G-3? Would that kind carry a train that big?

A Of course, depending on the cars, loaded or empty, but it was quite often on the Maple Creek sub and they would run a P-1 with a 100-car train bringing empties back particularly.

Q Well, the N-2 was another class we were talking about. What would the N-2 handle?

A Approximately the same.

Q One hundred empties on the Maple Creek --

A Yes, and we ran them going to the coal hole from Empress to Drumheller. We would run 100 empties.

Q Mr. Russell, as a fireman on a hand-fired engine on a tonnage train over a subdivision say of 125 miles what would your estimate be of the amount of coal that you as fireman would be required to **shovel** into the fire?

A One hundred and twenty-five miles average subdivision?

Q Yes?

A I would say in the neighbourhood of 15 tons of coal.

Q Did you ever have trips you can recall where

George Russell

you shovelled more than 15 tons of coal?

A Yes, I have.

Q Up to how much?

A I would say up to 20 or even a little better than 20 tons of coal.

Q And in looking after a hand-fired engine as a fireman what would be your estimate of the time the fireman would be on the deck while the engine was in motion?

A He would be on the deck on the average the best part of 75 per cent of the time.

Q That is an average of all the different classes of steam-powered, hand-fired?

A I would say that, yes.

Q That you have run. What would be the least you would be on the deck? Say we had a light train, say 60 or 70 empty cars and no side winds and no heavy weather and you are hand firing on a level track.

A Well, I don't think you would get away with anything better than half of your time on the deck.

Q You would not get away with anything better than half your time?

A Yes.

Q Now, on stoker-fired engines, based on your experience as a stoker fireman what is your estimate of the amount of time the fireman would be on the deck taking the various

George Russell

classes?

A Well, we had some rugged experiences with stokers on the Laggan subdivision particularly from Canmore west with 5400's. We were most of the time, I would say about half of our time on the deck with them.

Q On most runs you would be half of the time on the deck?

A On that subdivision, on a stoker, with Canmore coal. However, when your coal improves and the firing situation generally you would probably be 10 per cent of your time taking care of the firing requirements.

Q And overall taking the very best I take it that the best you can expect would be 10 per cent?

A I would say about 10 per cent of your time.

Q And the worst would be 50 per cent?

A Yes.

Q For the stoker?

A Yes.

Q And overall from your experience what kind of average would you strike for stoker-fired?

A My experience was that on the average taking into consideration the different runs and the coal situation, about 25 per cent of your time.

Q On stoker-fired?

A On stoker-fired.

Q Now, on oil-fired steam engines how long

George Russell

would the fireman be required to be off his seat on the deck?

A Not a great deal, Mr. Sinclair. I think probably a good estimate would be around about 5 per cent of the time.

Q What do you do in an oil-fired engine?
What do you get off your seat to do?

A Primarily to sand the locomotive.

Q Do you ever have to open your fire door or anything like that on an oil-fired engine?

A Not unless you are having some difficulty with it. You might have to if a brick fell down or an obstruction to your burner. You could be occupied with the door opened.

Q You have taken those instances into account in making your estimates of average times in these various classifications?

A Yes.

Q When you were a stoker fireman and when you were on oil-fired engines how would you know how you were doing? Would you be able to know how you were doing as the fireman by rivetting your attention on the stack of your engine or would you not?

A No. The indication would come on your steam gauge. It would either be excessive or light.

Q Can you tell how your fire is doing by looking at your stack?

George Russell

A You can get an indication of your fire from the stack.

Q What was the practice as far as you were concerned?

A With an oil burner you would take a glance at your stack to determine the clarity of the vapour or smoke from the stack.

Q You say on an oil-fired engine you would do that but on a stoker coal-fired engine would you do that also?

A No.

Q Did you ever fire a 6600 in the yard?

A Yes sir, I fired a 6600 on the east end yard engine job at Alyth.

THE CHAIRMAN: Is there a letter that goes with that?

A I don't know if it has a symbol -- it would have.

MR. SINCLAIR: Technically the classification letter is V-5, but generally speaking, Mr. Chairman, it has been my experience in talking to these people that in the case of road engines they refer to them as N-2, G-3 and by the various letters but in the case of yard engines generally they do not refer to them in that way. They generally refer to them by numbers. There is no absolute practice. One witness I may speak to will do one thing and another witness will do the other, but the 6600 class of engine is Exhibit 33.

George Russell

BY MR. SINCLAIR:

Q You say you have fired that class in the "H"
yard?

A No, the east end yard.

Q At Calgary?

A Yes sir.

Q When that type of engine in Exhibit 33 was
working, Mr. Russell, about how much coal
would you be required to shovel and
how much other work would you have to do
cleaning your fire, et cetera?

About howmuch time would you have to be on
the deck in switching operations?

K-4

A That operation was a large engine and it had a big tender and it was pretty well cleaned each shift.

Q Yes?

A There would be between six and eight tons of coal used.

Q It carried 14 tons?

A Yes.

Q You would not have enough in the tender for two shifts?

A No.

BY THE CHAIRMAN:

Q Just a minute. You used six to eight tons of coal on that engine in what period?

A Eight hours.

BY MR. SINCLAIR:

Q This engine was working the lead job, the 6600?

A That job built the trains for departure.

Q That was the job you were referring to, around eight tons a shift?

A Yes.

Q In your experience as a yard steam fireman -- by the way, Mr. Russell, we have been told earlier that all yard steam engines burning coal were all hand-fired. There were no stoker-fired steam engines.

Has that been your experience?

A Yes. I didn't see a stoker-fired yard engine.

Q You have never seen a stoker-fired yard engine?

- A No. It might be possible, but I didn't see one.
- Q Now, based on your experience as a fireman on these hand-fired yard engines, about how much time would you think you would spend on the deck on these types of engines, Mr. Russell?
- A On a heavy type such as the one we were discussing there, the 6600, you would be on better than half of your time, on the deck firing it.
- Q Why would you have to spend so much time on the deck?
- A Well, the consumption of coal was heavy from the work that the engine was doing.
- Q Did you or did you not require more time on the deck because you were trying to control your smoke?
- A No. I am afraid the Calgarians put up with the smoke, and the type of fuel we used, you were kept pretty busy burning it. You had to rake it and supply it to the fire box.
- Q If you were working as a fireman in a city where there was an anti-smoke bylaw and you were hand-firing, would that require more or less time for the fireman to be on the deck looking after his fire?
- A You would have to be very careful with your fire. You would have to fire it very lightly and control your air to get complete combustion of the coal.
- Q But you say that the Calgarians did not put you under those disabilities?

A No, they did not.

Q Did you ever make black smoke in Calgary on a yard engine?

A I am afraid I have been guilty.

THE CHAIRMAN: Does the Canada Evidence Act apply?

BY MR. SILLCLAIR:

Q Now, when you were a fireman on a hand-fired engine or when you were an engineman on a hand-fired engine, who would you rely on for the look-out on the left-hand side?

A On a hand-fired engine when I was the engineman I would rely on the head end trainman for the look-out on the left side.

Q Now, on a stoker-fired, who would you rely on?

A I would rely on the trainman on a stoker-fired also but I would have the fireman there more frequently than with a hand-fired.

Q As a fireman or as an engineman what did you expect in regard to look-out from the fireman?

A With regard to look-out I would expect him to do the best he could about it. On a hand-fired engine particularly he would not have much opportunity to keep a look-out.

Q And as an engineman on a diesel yard engine, did you or did you not rely on the fireman for the look-out on the left-hand side?

A Working in a yard?

Q Yes?

A No. You have the switch crew with you in the yard.

Q And on a steam engine in a yard who would you rely on for the look-out on the left-hand side? .

A Well, in the yard we were not concerned about the lookout.

Q On the left-hand side?

A On the left-hand side.

Q Why is that?

A Well, working on leads or tracks there could only be one move in one track or lead in any case and the yard crew were with you.

Q What about industrial switching?

A Industrial switching is the same thing. You were working with the yardmen.

Q And on a freight diesel going over the road -- you have not run them but you have been there as road foreman of engines -- who would you rely on as to look-out on the left-hand side, say on a road switcher type of locomotive?

A Well you have your head end trainman there to look if necessary.

Q What about your fireman?

A And the fireman could carry out that duty also.

Q By the way, since we have been talking about records, Mr. Russell, maybe we had better have your record in the transcript too. In your many years with the company and running in train service as a fireman and as an engineman, what has your record been? How many demerit marks have you got?

A There won't be any on it now.

Q Why is that, because you cleared them?

A Cleared them.

Q What is your total number going back?

Never mind about clearing them.

A I had ten demerit marks for running through a switch that I can recall.

Q That is all you can recall?

A Yes.

Q Through all your years?

A Yes.

Q As a fireman or an engineman?

A Yes.

Q In yard work, Mr. Russell, what yards did you run engines in? You have told us about Alyth.

A Alyth yard and, of course, the Calgary yards.

Q All the Calgary yards?

A No, I would not have been in them all.

I can recall
being in the Imperial Oil job, on the Hump job --

Q Yes?

A On the Uptown job, the "J" alley job and the "B" alley job, the House job.

Q Outside of Calgary what yards did you work in with a yard engine?

A I didn't run -- yes, I did. I ran an engine in the Red Deer yard.

Q You ran engines in the Red Deer yard and you ran engines in the Calgary yards. You have told the Commission that you fired in the

Calgary yards?

A Yes.

Q Did you fire in any other yard?

A Yes, Macleod, Lethbridge, Red Deer and Coronation yards.

Q You worked as a fireman in each of those yards?

A Yes.

Q With yard assignments?

A Yes.

Q Based on your experience in yards either as fireman or engineman what is the practice as to giving signals in the yard?

A The practice in those yards that I have worked is to relay or give signals to the engineman.

Q For instance, in the Calgary you said you had worked in "J" alley and the "B" alley. Did you ever work "N" yard?

A Yes, almost all jobs work into that. It is the receiving yard.

Q Take "N" yard, "J" alley, "B" alley and the House job, the Hump job and these various jobs you have named in Calgary. Can you recollect any of these jobs where the practice was to give signals through the fireman?

A No, I cannot.

Q And can you recollect in any of these other yards where you ran as engineman -- I think you said Red Deer -- or as fireman -- you named quite a few -- where it was the practice

to use the fireman as a signal passer in the yard?

A No, that was not the practice in any of those yards.

Q Have you ever run an engine or fired an engine on the yard assignment at Alberta Nitrogen?

A Yes, I have been in there several times.

BY THE CHAIRMAN:

Q That is Calgary?

A Calgary.

BY MR. SINCLAIR:

Q What was the practice as to the giving of signals when you were switching Alberta Nitrogen?

K-5 A As I recall -- I have not been in there too many times.

Q No?

A The practice was on that job to give signals to the engineer.

Q What about when you were serving the industries on "B" alley in Calgary?

A They also gave signals to the engineer.

Q Both on the east end and the west end?

A Both ends of it, yes.

BY THE CHAIRMAN:

Q Did you work there as fireman or engineer or both?

A I worked as fireman on the "B" alley for several months and as engineman possibly two or three spare trips.

BY MR. SINCLAIR:

- Q Now, Mr. Russell, when you were a fireman working in yards or when you were a fireman over the road on steam power, did you or did you not space your firing to coincide with any other duties that the fireman might have?
- A No, I couldn't say -- I really just don't know what spacing would infer.
- Q For instance, when you were a yard fireman would the only time that you fired be when the engine was stopped?
- A Oh no, definitely not.
- Q In going over the road would the only time that you fired be when you were not approaching a station or approaching a highway crossing? Would you always be up on your seat?
- A No.
- Q Did you take that into account? Did you try to space when you went down to put in your fire? Did you try to be on your seat at a station?
- A No. As far as crossings were concerned, if you were firing and working and if he was blowing the whistle you would try and take a look.
- Q A look out where?
- A To the crossing ahead or whatever --
- Q Where would you look? Would you get up on your seat or look through in any way?
- A Not necessarily -- out the front window.
- Q Just glance ahead?
- A Yes.

Q And if you were on the deck and you were coming to a station where you had a meet, as fireman would you take any special action or would you not?

A A man would try to be on the look-out about that time. Probably you might not notice where you were actually. If the throttle was shut off, if the engine was shut down and you were coming to a place where you were going to stop or meet, of course then you would.

Q But if the engine was working you would not notice?

A You might not unless it was called to your attention.

Q Were you ever instructed or were you not to so space your firing that you would be able to call all signal indications?

A No.

Q If you were on a freight train and the engineman called "Clear block" or "Clear board" or something of that nature and you were on the deck, what would you do?

A I would repeat it, acknowledge it.

Q Would you go and look before you called it back?

A Not necessarily.

Q If the head trainman called it first, say he called "Clear block" or "Clear board" and you were on the deck; what would you do?

A I would acknowledge it from him.

Q And if he called "Clear train order signal",

would that make any difference to what your action would be?

A No, not necessarily.

Q I am not trying to suggest words to you. If he does not use those words, if he uses such fancy phrases as "Clear on the house", you say so. If I use wrong words, you correct me. What I am talking about is the train order signal on a station. If that were called and you were on the deck would you take any particular action or would you treat that just the same as you would any other kind of signal indication?

A Well, on any one of them you might make an effort to look but quite often you would accept their recognition of it. That is on an engine where you are down on the deck working.

MR. LEWIS: What is that?

MR. SINCLAIR: "That is on an engine when you are down on the deck."

BY MR. SINCLAIR:

Q If you were up on the seat would you take different action?

A Yes. It would be convenient to look. You would be looking likely in any case.

Q When you were a fireman did you make running inspections of the train?

A Yes, if I was in a position to do it.

- Q What would prevent you from being in a position to do it?
- A Not being able to sit on the seat and look out the window.
- Q Well, why, Mr. Russell?
- A Occupied firing the engine.
- Q By the way, you said you ran a yard diesel in Calgary for about two years, I think you answered the Chairman?
- A I did not run one for two years.
- Q But over a period of two or three years -- I forget what your answer was --
- A I think it would be over a period of probably two years, in that neighbourhood.
- Q When did diesels first come to Calgary yard as you remember it?
- A 1945, as I recall it.
- Q And you took the odd trip in 1945 and 1946?
- A More likely later than 1945 -- 1946 and 1947.

Q In training steam enginemen and okaying them when they took out diesels what was your general practice when you were road foreman of engines and when you were in the Alberta district?

A Our practice with a steam engineman to be trained as a diesel engineman was to accompany him about a thousand miles and we would instruct him on the handling of the diesel engine, also show them the safety appliances, over-speed trip and ground relays that were on the engine.

Q And would every locomotive engineman who had been in steam service before he was okayed on diesels get one thousand miles?

A That was the practice to give him --

Q Were there some exceptions?

A I believe there were. Some of them did not have that much.

BY THE CHAIRMAN:

Q Would that be one thousand miles on the road?

A On the road, sir, yes.

BY MR. SINCLAIR:

Q In the yards how much time would you give a steam engineman before you gave him a diesel?

A There was no time given to him to my knowledge.

Q He would just take it?

A Just take it. Personally I went with a regular yard engineer myself for a day or approximately a day and asked the diesel maintainer that they had at that time about the engine and that was how I went about starting out on a yard diesel.

Q That was left up to yourself, is that what you are saying?

A Yes.

Q There were no requirements?

A No requirements, no.

Q How did you find the yard engine to handle?

A Very comfortable and easily handled.

Q How would it compare with the yard steam engine?

A Well, much better than the steam engine. It did not have the heavy throttle to operate. The operating appliances were generally more convenient.

Q How would its reaction to controls be compared to a steam engine?

A Quicker than a steam engine generally.

Q Now, Mr. Russell, would you tell the Commission what the general practice so far as your experience goes as to giving signals from the ground to the engine is when you are out on the road

and doing some set-offs or pick-ups or switching between terminals? What was your experience as to the general practice?

A On the road the general practice is to give the signals to the engineer.

Q Were there exceptions to that?

A Yes, there were exceptions. If the headend trainman made the move himself he would on occasion give them to the fireman to relay to the engineman.

BY THE CHAIRMAN:

Q What do you mean by if the headend trainman made the move himself?

A If you had a car to set off the train at a particular siding and the headend man knew where it was to go and what he wanted to do with it. He could cut the car from the train and move it with the engine to the point he wanted to leave it, the thing being that he would have that work done before other members of the crew could get to that vicinity.

BY MR. SINCLAIR:

Q Where would they be riding?

A In the caboose.

Q Now, Mr. Russell, that is one exception you have given us. Are there other exceptions? Have you ever had anything to do with working on spotting or switching at elevator tracks or coupling up?

A Yes, if the right side of the cab was to be adjacent to the elevator or buildings on the back track the switching would likely be done through the fireman.

Q Why, Mr. Russell?

A It was convenient to do it that way. The conductor could leave two trainmen there to do the work alone for another thing.

Q Now, take out on the road when you have got a left-hand curvature somewhere, would the men from the train crew position themselves or would they not to give signals to the engineman if they had a left-hand curvature?

A Yes, they would position themselves.

Q Have you ever seen **him** use the fireman in those kinds of circumstances or did they ever use you, for instance --

A In addition to --

Q In addition to elevator tracks or where only one man was making the move?

A I can't recall. It is possible they did.

Q It is possible they did, you say, is that right?

A I am not too sure I have that question.

Q Well, let us take, for instance --

A With a curvature on the left-hand side?

Q Yes -- oh, for any reason, the ground is rough on the right-hand side or there are any obstructions over there or anything of that nature. I am giving you a situation

where it would be easier or more convenient to use the fireman out on the road. Would they use him out on the road in those circumstances?

A I would say yes they would.

Q And when you were a fireman would you have had situations like that?

A I can't recall any particular thing but I would say we would have.

Q As you have described it, Mr. Russell, there is quite a marked difference with regard to this giving of signals in the yards as compared to on the road. You have told the Commission about it in the yard, they gave them through the engineman and as I got the purport of your testimony that was the situation on the road, they departed from it at elevator tracks and some other places where it was more convenient as you have said. Why would there be a difference in your opinion?

A In the yard the yardmen are primarily switch men and that is their entire job, switching cars. They work as a unit, all three of them work together throughout their day's work or shift. They are unlike a train crew when the headend trainman and the conductor -- they don't get separated in any way from the actual work.

Consequently, they do not a better job of switching but a more consistent job of their switching work. That, I think, was the reason for the variation and also a crew in a yard is going to work at that specified place daily or each day and on the road you want to get over the road.

Q What do you mean by that? In the yards they work on an eight hour shift?

A Yes, and they are staying right at that point to do their work whereas switching on the road is a delay and you want to get away from the delay as much as possible so you expedite it by using less than a crew to do the switching work.

Q Now, as an engineman running an engine how do you prefer to receive signals from the crew?

A I prefer to get the signals direct.

Q Would you tell the Commission why you take that view, Mr. Russell?

A Well, when you are not getting them direct from the man on the ground but from the fireman it is generally oral. He will probably tell you to back up or go ahead and you don't feel just as sure about what you are doing as you do if you are looking directly at the man who is doing the work.

Q Doing what work?

A The switching work.

BY THE CHAIRMAN:

Q Doing the signalling?

A The signalling, yes.

Q Well, have you given any instructions in your area about where signalling is to be done on the road?

A No sir.

Q You just leave that to the crews themselves?

A To the conductor and the crews themselves.

BY MR. SINCLAIR:

Q Just before we leave that point I think you have told us that you ran on the Laggan subdivision?

A Yes.

Q That is Calgary West to --

A Field.

Q And we have heard the names of certain places, as I noted them this morning -- Massive, Sawbuck -- I would like to put in one there myself, Banff, Hector and Stephen.

MR. LEWIS: Yoho, you ought to remember that.

BY MR. SINCLAIR:

Q Temple -- all those places on that run. Did you ever make set-outs or pick-ups or was any switching done on spurs at those stations?

A Outside of Banff, Canmore, Exshaw and Cochrane occasionally very, very seldom any work is done. There is nothing at

these places only sidings.

BY THE CHAIRMAN:

Q You were asked what had you done?

A I don't recall working other than Canmore, Banff, Exshaw and Cochrane.

BY MR. SINCLAIR:

Q Well, at those places, the ones I mentioned, Massive, Sawbuck, Yoho, Hector and Stephen you can't remember making ~~a~~move at any of those points?

A Stephen, yes I should include Stephen.

Q Other than Stephen you can't remember making moves at any of those points either setting out or switching?

A No, I don't.

Q Well, on all this subdivision as you recollected in making moves how were the signals transmitted from ground to the engine?

A I don't know that I can positively say.

Q What was the practice is what I am asking you?

A The practice is to give them to the engineer.

MR. LEWIS: If I may say so with respect, my learned friend surely cannot cross-examine the witness. When the witness says "I cannot positively say" he then asks him what is the general practice.

MR. SINCLAIR: What is the matter with that?

MR. LEWIS: The witness ~~is~~ off again
on the matter of general practice.

THE CHAIRMAN: I suppose that comes to
a matter of weight.

George Russell

Mr. SINCLAIR: With respect, Mr. Chairman, what is my friend's objection?

MR. LEWIS: The objection is very simple. My learned friend asks the witness a question -- I made a note, I believe. He mentioned, Stephen, Camrose, Banff and Cochrane -- "Do you remember how the signals were given to the engineman?" and the witness says: "I can't be positive about it" and then my friend asks an entirely different question: "I am asking you about the general practice" so the witness is off again on the general practice.

THE CHAIRMAN: Perhaps we might ask the witness what his memory of how signals are done at these places is.

MR. SINCLAIR: I had asked him about the general practice already and he had given that.

BY MR. SINCLAIR:

Q Mr. Russell, based on your recollection of the situation on the Laggan subdivision what was the general practice as to giving signals between the ground and the engine?

A The general practice was to give them to the engineman and at times convenient, that is elevator or on a ---

Q On this subdivision are there elevators?

A Cochrane.

Q Yes.

A They could be given to the fireman.

George Russell

BY THE CHAIRMAN:

Q You mean they were given to the fireman?

A Yes.

MR. SINCLAIR: I am prepared to go right through, sir, but if we are late perhaps we could have a little air in here.

THE CHAIRMAN: Well, we have not got so long to go. I thought as Mr. Lewis is not on his feet and he is the man who usually requires a break we might go right through.

MR. SINCLAIR: That will be fine, sir, if we might have a little air.

THE CHAIRMAN: We will have the windows open. Is that all right?

MR. SINCLAIR: Yes sir.

BY MR. SINCLAIR:

Q Now, Mr. Russell about how many miles did you run a diesel or were on a diesel instructing as road foreman of engines?

A I believe the mileage logged was somewhere around just over 50,000 miles.

THE CHAIRMAN: I am sorry, I did not hear that question.

MR. SINCLAIR: It was how many miles I asked the witness was he on diesels as a road foreman of engines instructing and he said the mileage recorded, the records showed was something over 50,000 miles.

BY MR. SINCLAIR:

George Russell

Q That was your answer?

A That was what it was, yes.

Q Now, in those 50,000 miles odd, Mr. Russell, what was the situation with regard to the application of protective devices and alarms?

A Outside of some trouble they had at the beginning with hot engine alarms in the tunnels I heard or saw very, very few alarms.

BY THE CHAIRMAN:

Q Well, what do you remember on that subject?

A I recall having trouble with these alarms in the tunnel and then we made tests in the tunnel, temperature checks. I can't think of any particular detail or details or any other alarm. We didn't get very many.

Q Then the only recollection you have is about what occurred in the tunnels?

A That is right, yes.

BY MR. SINCLAIR:

Q Did you have any at all that you can remember other than these hot engines? You don't have to remember anything specific. If you can just say so, Mr. Russell.

THE CHAIRMAN: I thought he had said.

MR. SINCLAIR: I think it was the way he answered you, sir.

BY THE CHAIRMAN:

Q You are being asked did you have any memory of

George Russell

engine alarms outside of hot engines in your 50,000 miles?

A I can just vaguely recall a ground relay one day. I had more than one of them. However, they were incidental things. There was nothing that I would remember clearly.

Q Nothing to impress it on your mind.

A No.

Q Well, when these ground relay alarms took place any time you had any recollection of it what occurred after the alarm was given?

A When the alarm was given, as I recall it, it was a passenger train going west and the unit it was on went to idle. It seems to me that it was overcome by keeping the speed of the engine down, not letting it get too high on track speed.

Q Well, when the alarm goes and the unit would go to idle was the unit restored to operation.

A Yes.

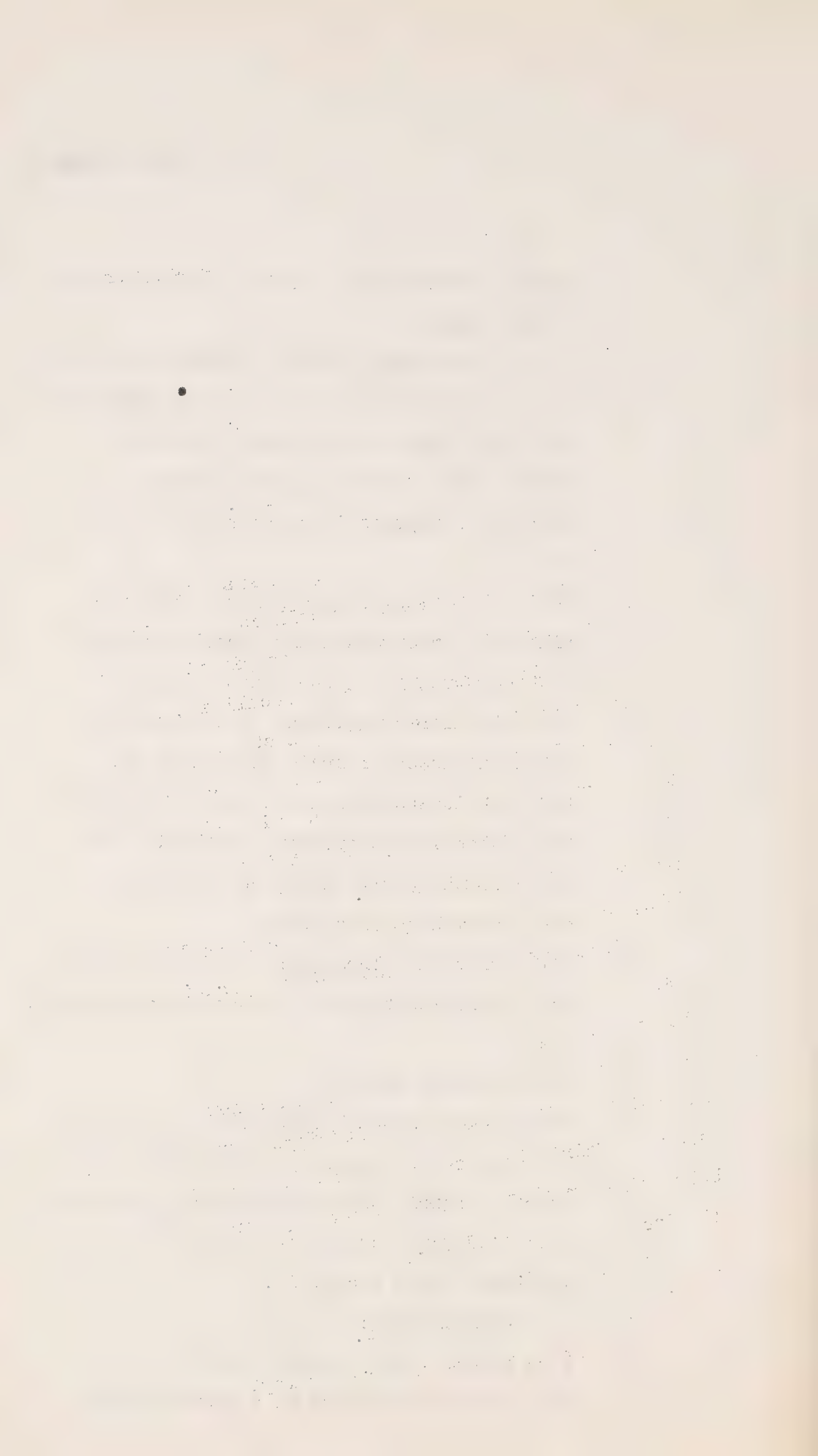
Q Then you went along?

A Then we went along keeping the speed below the point -- it seemed to me it tripped out out at a fairly high speed and we went along below that or close to it without any more difficulty as I recall it.

BY MR. LEWIS:

Q I am afraid I got a little lost.

That was the follow-up on a ground relay?



George Russell

A A ground relay, yes.

BY MR. SINCLAIR:

Q Any recollection about low lube alarms in your experience as road foreman?

A No, I didn't have a low lube alarm to my knowledge.

Q Now, Mr. Russell in your opinion and from your experience in training enginemen based on your own experience in engine service how long do you think it would take to train an experienced fireman on diesels who had only run on passenger trains had no freight experience but had been on passenger trains and was passed as A and whatever mechanical examinations were required to qualify as an engineman for a yard diesel?

A I should think under those circumstances if he were accompanied in the yard possibly for two, or three or four days with a road foreman that he could qualify -- to give him a chance to get the feel of the weight of the engine, that is, its braking and generally get accustomed to running it.

Q Say he was allowed to handle the controls of that diesel in branch line passenger service before we brought him into the yard, on the amount of time it would take him?

A Yes, he could probably if he had had the feel of the engine and was accustomed

George Russell

to it, he could probably go right away to work.

Q To/work --

A In the yard.

Q Now, say the same man you are going to qualify him to handle freight trains and, by the way, before I do ~~that~~ I am asking for your opinion and I wanted you to assume and if it would affect your answer please tell us, I want you to assume that the man would be on the engine himself, there would be no fireman assigned him. Would that affect your answer?

A No.

Q Say there was no fireman assigned to road freight power and you were going to take this same man who had been a diesel man on passenger and again he is qualified as A and had his mechanical examinations and you are going to okay him, you are taking the responsibility of saying when he can handle freight trains, how long do you think that would take?

A Under those conditions if a man was accompanied by a road for an possibly for 1,000 miles or five or six trips the average man, I think could qualify.

Q How long would you want to keep him in the yards, if any, before you did that

George Russell

additional training?

A Well, I was thinking about him possibly having been in the yard.

Q For about how long in the yard?

A Possibly two or three months.

Q And then you would give him what you said, about five or six trips?

A On a subdivision. As I understood it this man was to be a passenger fireman not a man who handled freight.

Q Actually had no freight experience, yes.
You would give him a thousand miles --

A On a subdivision.

THE CHAIRMAN: Mr. Sinclair, I think the reporter may be having a hard time. Would you try and see if the witness would talk louder.

BY MR. SINCLAIR:

Q Would you clarify what you had in mind for the Commission, Mr. Russell?

A Well, that man would not be accustomed to freight operation and to get him -- he would be accustomed to handling an engine, possibly a passenger train but in order to give him an opportunity to become accustomed to handling it in freight service I think he would probably have to have it on each of the

George Russell

subdivisions that he might work.

Q Have "it"?

A This help from a road foreman or another engineer?

MR. LEWIS: If I may ask my friend whether when he said in his assumption that this passenger fireman if I heard correctly was qualified and able.

MR. SINCLAIR: Qualified and passed his ^{"A"} ~~and~~ book.

MR. LEWIS: Would that mean he was a passed engineer at that point?

MR. SINCLAIR: He had passed his A book and had written whatever mechanical examinations were required.

MR. LEWIS: How I made "able" out of "A" book I don't know.

MR. SINCLAIR: I can't hear, Mr. Lewis.

MR. LEWIS: Now I feel vindicated.

BY MR. SINCLAIR:

Q This is difficult, when I stand here you cannot hear me and I am trying to get the witness to speak up here. It is very difficult, Mr. Russell, to hear in this room. That is why I moved over here so that the Commission could hear you. I am sorry but apparently in doing that I am leaving Mr. Lewis out of the hearing range. I will speak up a little more loudly and you try to do so also.

George Russell

A Okay.

Q What has been your experience, Mr. Russell, in regard to being on an engine as to an engineer consulting with and requesting information from other members of the head end train crew as to places they were meeting, they were going to have a meet or where they were going into clear or matters of that kind dealing with the operation of your train over the road? What has been your experience?

A If you had orders to meet or wait, they would be discussed, that is, recognized between the members on the engine that they knew what was to be required.

If you were going to make your own meet I don't think that would be discussed entirely unless there was some unusual condition about it. An engineman with a diesel, he would not but with a steam engine he might confer with the fireman as to the condition of the engine -- pardon me, the steam availability of it.

Q What do you mean by that?

A On a steam engine the engineman might consult as to the steam. He might take a look or make sure that his engine was in good shape --

BY THE CHAIRMAN:

Q Steam was well up?

A Yes.

BY MR. SINCLAIR:

Q If you were going to make a meet that would mean you are going to make a time-table meet?

A A scheduled meet, yes.

Q Would there be any discussion between any member of the train crew and the engineman concerning matters of that kind or about any other matters arising out of the order before the trip started?

A Well, yes your conductor would consult with the engineer on delivering the orders.

- Q Now, Mr. Russell, based on your movement over the Alberta district and various subdivisions that you have worked on can you tell the Commission whether there is or is not any place where you know it is necessary to use a fireman as a signal passer to make a move such as a pick-up, set-out or a switch?
- A I don't know of any place where it is necessary.
- Q Now, have you recently made a check of any subdivisions on the Alberta district to see whether any of the sidings or industrial spots or any places on these subdivisions, if there were locations where a fireman would be required as a signal passer?
- A I have on my own in the last month.
- Q What subdivision?
- A On the Brooks -- Medicine Hat to Alyth.
- Q How many miles is that?
- A 173 miles, I think. Strathmore --
- Q Where is that?
- A Between Gleichen and Shepard.
- Q And the next one?
- A I was down on the Langdon subdivision.
- Q How many miles is that subdivision?
- A 70 approximately. I may be out on that a bit. It was between Langdon and MacMine

Q Now, what did you check disclose?

A In going over that territory I did not see anything or any place where they could not do all the switching that would be necessary from the engineer's side or by giving signals to him.

Q By the way, on one of those subdivisions is a place called Cousens, isn't there?

A Cousens is the first siding west of Medicine Hat.

Q And there is a new industry there, is there not?

A Yes, Northwest Chemicals.

Q How is switching done in that industry?

A They have their own engine.

Q Do they spot their own cars in the plant?

A Yes, we put empties into them and take the loads out and they spot and put the loads over for us to take out.

Q And in doing that spotting and moving cars around their industry, how many of a crew do they use on their so-called switcher crew?

A Two, they have a man on the engine and a man on the ground.

Q Is that all?

A That is all they have. At least that is what I have seen operating there.

Q Now, how many cars do they handle in a cut as you have seen it at that industry?

A Around three or four is what I have seen them with. It is very small.

Q How would that compare with industrial switching that you have seen?

A Well, that is an industry.

Q Is the lay-out different or is it similar to many lay-outs that you have switched?

A No, it is the same sort of a lay-out.

Q Now, Mr. Russell, if you were an engineman on a road switcher and you were going to switch or couple up, spot or re-arrange cars on an elevator track and there was no fireman on the engine, how would you want the ground crew placed -- with no fireman?

A Normally, you could put a man on the top of the car next to the engine to relay signals to you. Possibly you could have one man at the cab. Generally speaking the switching is done with two men and there are three. One of them could be in the cab.

BY THE CHAIRMAN:

Q In the cab, is that what you said?

A Yes.

BY MR. SINCLAIR:

Q Based on your experience would you or would you not consider there would be any difficulty in switching at elevator

tracks without a fireman if the elevators were next to the right side?

A No, I don't think there would be any difficulty.

BY THE CHAIRMAN:

Q Mr. Russell, you said a little earlier that to give signals to the man in the cab whether it is a fireman or anything you like to call him -- not using your exact words -- is not as good as having the engineman receive the signals from the ground crew because if the signal is passed across the cab it is done verbally and the engineman doesn't get the same appreciation of the situation as he does when he actually sees the signal given. Do you recall that?

A That is right, yes.

Q Then why then if you are going to dispense with a fireman, why do you suggest putting someone else in the cab in his place?

A That would be an alternative to the situation where he could be located, if it was not practical for him to be in another location.

Q Well, if he wanted to have someone on the locomotive why wouldn't it be

better to have him outside the cab on the steps and still give the signal to the engineer?

A That might not be practical to give the signal from that location. He would be low down and he would have to be on the same side as the engineer.

Q Even if he was in the cab he would be on the opposite side to the engineer?

A Yes.

Q Then why couldn't he be outside the engine on the deck or on the steps?

A If he did that then he would be in the position that the engineman is in for seeing the rest of the crew.

Q But if he is on the left-hand side on the same side as if he ^{was} inside on the seat wouldn't he be in a position to receive a signal from the left-hand side and transmit it by signal to the engineer?

A I just can't see how he could transmit, sir.

BY MR. SINCLAIR:

Q What kind of a diesel are you thinking of now?

A A road switcher.

Q Now, if it was a yard switcher --

A Oh yes.

Q But on a road switcher it is different?

A Oh yes, I am sorry.

BY THE CHAIRMAN:

Q I am sorry too, I probably had a yard switcher in mind.

A With a yard switcher he could do that very easily.

Q You are speaking about a ^{road}/freight and that would be a road switcher?

A Yes.

Q So you say if any part of the signalling is going to be done on the left-hand side from the ground on the left-hand side direct to the engineer there would have to be somebody on the cab outside next to the locomotive or your alternative to that is to have the man in the cab?

A In the cab, yes.

BY HON. MR. MARTINEAU:

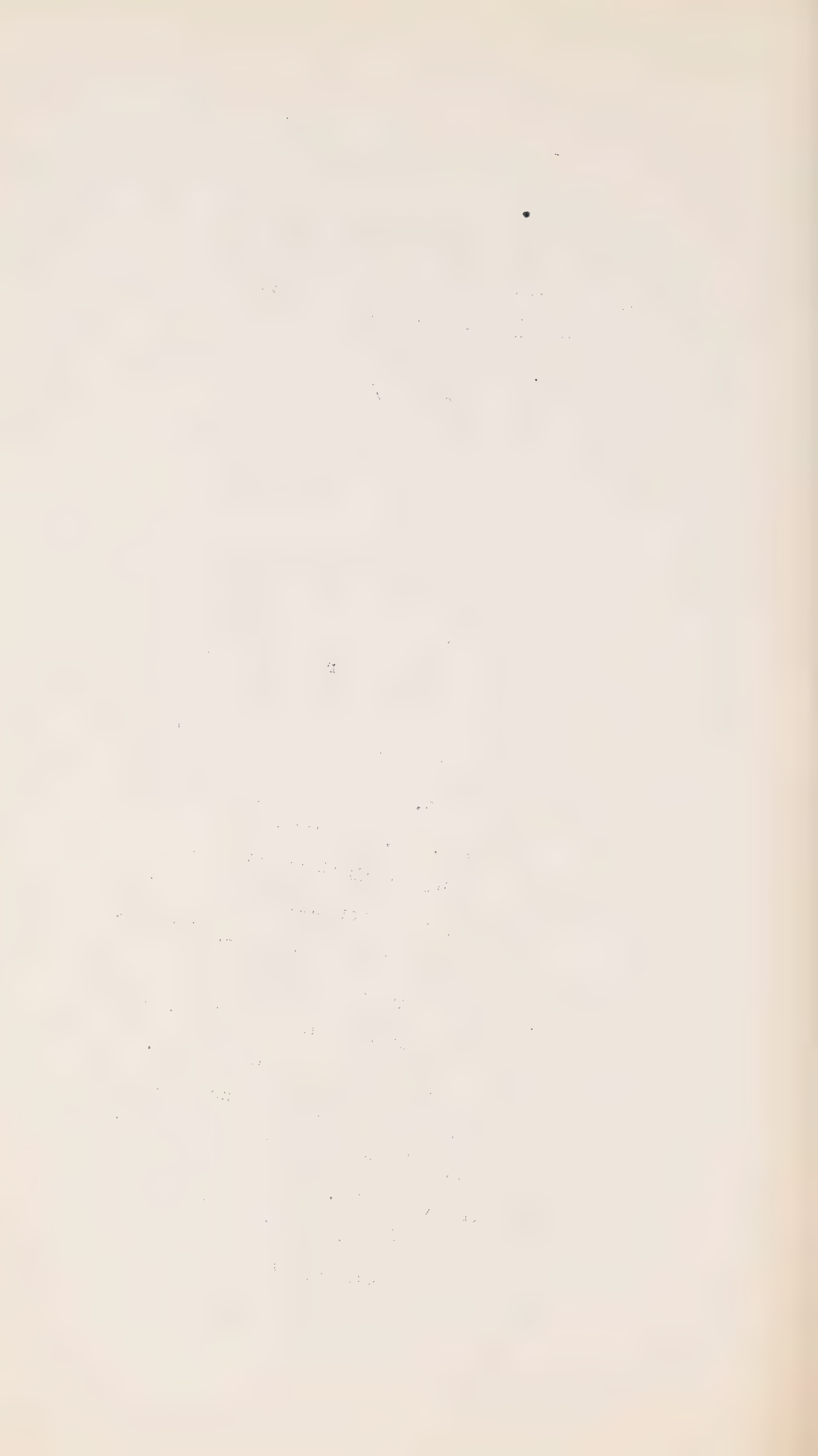
Q Of course, that couldn't be done if the three ground crew had to be on the ground because the cut was very long or it was in a curve?

A Under a situation such as that, that situation would have to be avoided. The cut would have to be less if it was so extensive that it took them all away from the vicinity.

BY MR. SINCLAIR:

Q What do you mean by that "would have to be avoided"?

A Pardon?



Q Why do you say if you get a cut that long -- Mr. Justice Martineau was talking about a long cut and you said that would have to be avoided. How would you avoid it?

A By not having such a long cut.

Q What do you mean by that?

BY THE CHAIRMAN:

Q Taking two bites?

A Taking two bites instead of one big piece.

MR. SINCLAIR: Now, Mr. Russell, Mr. Chairman, has made a number of observations. The first group consists of two and they had to do with yard switchers in Medicine Hat.

THE CHAIRMAN: Is this another exhibit?

MR. SINCLAIR: Yes.

THE CHAIRMAN: That will be Exhibit 122.

EXHIBIT NO. 122 -- Record of observations of actions of firemen in yard diesels during switching operation dated February 11, 1957.

THE CHAIRMAN: Are these observations?

MR. SINCLAIR: Yes, observations commencing in Medicine Hat yard switchers.

HON. MR. McLAURIN: Give us the

whole name of it.

MR. SINCLAIR: There are two observations, sir, the first one being on a yard switcher manned by a road crew starting at Medicine Hat and going out a few miles and the second one being also in Medicine Hat with a yard switcher but as I understand the second one staying within the yard and being manned by a yard crew.

BY MR. SINCLAIR:

Q Is that correct, Mr. Russell?

A That is correct, yes.

MR. LEWIS: This is one is manned with a road crew.

MR. SINCLAIR: No. 1 is manned by a road crew and No. 2 is manned by a yard crew.

MR. LEWIS: No. 122 is the one manned by the road crew?

MR. SINCLAIR: No, there are two pages, the first page, page 1-A and then page 2.

MR. LEWIS: Oh yes.

THE CHAIRMAN: If I might suggest, Mr. Sinclair, when you have an exhibit of this kind you might say: "I am putting in as exhibit so and so" and then read what it is. I think that would shorten it up.

BY MR. SINCLAIR:

Q Looking at Exhibit 122 and the first observation, Mr. Russell, which has to do with 6713, that is, the yard diesel switcher, that is the flat-ended engine open at one end?

A That is a yard switcher.

Q Diesel, yes. Now, just looking at Exhibit 122 and page 1 would you just draw the attention of the Commission to anything on these observations that you wish to have them particularly note?

A There was nothing unusual or different about it. At Redcliff --

George Russell

Q May be I can read this, may be it would be best --

BY THE CHAIRMAN:

Q May I ask something that occurs to me?
I notice that one of the things the fireman did or somebody did (it doesn't say who) is the preparatory duties mentioned on this form?

A The fireman.

Q This was a road crew on a yard switcher.
That yard switcher is there all the time, is it?

A It works between Medicine Hat and Redcliff.

Q Now at this time it just came out of the shop?

A Yes, off the shop track.

Q Is there a maintenance crew there?

A Yes.

Q Well, one of the things the fireman is said to have done is "drain the air reservoir from the ground". Did you see that done?

A Yes.

Q Any water come out of it?

A No, as I recall it it was vapor. There could be some water.

Q Well, did something come out of it?

A Yes, not in a stream is what I mean.

Q What I would like to ask you is if that engine came right out of the shop isn't

George Russell

that something that should have been done in the shop before it was turned over to the yard crew?

A It may have been done sir, just shortly before this time by another crew.

Q What may have been?

A The draining of that reservoir. I would not say this for sure but it could have just come in a short time before this from a night yard shift and was going right out.

Q That is the reason I asked you if it was just out of the shop. So you don't know whether it came out of the shop at the time this crew took it over or whether it had been working with another crew and been turned over to this crew by the other crew?

A No I don't.

BY MR. SINCLAIR:

Q Looking under (a) there it says

"Spotting way car which was next to engine at Redcliff station platform. Train crew on platform on fireman's side. Signals could easily have been given direct to the engineman"

These are the number of times the signals were given to the fireman and relayed to the engineman --

"2 Backing eight cars around with rear

George Russell

trainman on point car curving on fireman's side. Head end trainman on front of engine. Head trainman could have positioned himself to give signals **direct** to engineman". Then under (b) you say:

"Further under (a) figure 3 backing into Dominion Glass Company spur conductor at station both trainmen on fireman's side on either end of point car." And then your answer for (b) was none and in your comments you have some comments on that (a) that I have just read, **have** you not?

A Yes.

Q It is over on page 1A. Would you just read through that, Mr. Russell.

THE CHAIRMAN: Well, you can read it, Mr. Sinclair.

BY MR. SINCLAIR:

Q "Going into the spur at Dominion Glass on the first move there were five cars behind the engine and signals were given to the fireman. This move was for the purpose of picking up ^{empty} ~~at the~~ cars. The next move was back into the same spur to spot loaded cars and the same number of cars taken into the spur as previously." As I understand that it means that they went in and lifted the cars and then they picked up some loads and were going in with the same number of

George Russell

cars to spot them?

A Yes.

Q On the first movement they made it by giving the signals to the fireman?

A Yes.

Q On the second move the trainmen positioned themselves and gave signals directly to the engineer for spotting the cars so that on one move they did it with the fireman when they were dealing with the empties and when they were spotting loads they positioned themselves so they could give signals to the engineman?

A Yes.

Q Why would they do that?

A Well, both men had been working away from the engine prior to the move into the spur and they gave a proceed signal on the fireman's side and both climbed on the same car going in there. I don't know why they both got on there. It would not be necessary for them both to go in. After they had made their switch and were going back in again one man got on the point car and the other man got on the top of the car next to the engine to give the signals to go back in the second time.

Q When they were making spots?

George Russell

A When they were going to spot the cars.

Q In any of the three instances that you have described on this Exhibit 122, page 1 and you were there was there any of those moves where it was necessary in your opinion or where the fireman was in effect required to accept signals?

A No, in the first instance it was just like any other train stopping at a platform and spotting a car at the station and the trainman before he was in the cab of the engine stopping there he could have just as well said: "Go ahead another half car" before he got out or he could have got on the engineer's side and moved **him** ahead with a signal if he wished.

In the second instance when they were going back into the Y the trainman threw the Y switch and then stood on the steps of the diesel at the rear of the movement and it saved him going up to the cab or coming up to give a signal.

BY THE CHAIRMAN: When the man was standing on the rear of the diesel was he giving any signal?

A No sir, he was not.

BY MR. SINCLAIR:

Q Page 2 of Exhibit 122, Mr. Russell, here is your record of the description of the actions of firemen in yard diesel during

George Russell

switching moves. This observation had to do with the same engine as on page 1 of Exhibit 122 but on this occasion as I understand it it is a yard crew running it rather than the road crew?

A Yes.

Q Is there anything in particular here?

By the way, how long were you on these engines for both of these observations?

A I was on the entire time the engine would be at work.

Q That would be over the entire shift each time?

A Yes.

Q Now, under preparatory duties:

"Swept the deck, drained main reservoirs from the ground. Engineer instructed him to check the cooling water level which he did also."

What was the engineer doing when he told him to do that?

A He was in the cab. I think he was sitting down on his seat at the time.

Q Was he working?

A He may have been putting his brake valve on the engine and the control reverser.

Q Now, in this entire move over this entire shift I notice the first shift was a very short one, it was only from 8.15 to 12.45 -- that will be a little over four hours.

George Russell

This one on page 2 is an assignment from 1800 hours to 150. Throughout this entire movement you mean to say that no signals were relayed through the fireman at any time based on your observation?

A Yes.

Q That is what (a) means?

A Yes.

Q And in (b) number of times firemen called engineman's attention to conditions observed on left side and position of ground crew at time. This is what the fireman, did

"Called car space twice while ground crew were on the engineer's side giving signals and taking care of the situation."

Now before I go on in your opinion and from your experience, Mr. Russell, what is your comment on a fireman calling car space?

A At this particular time there was no reason for alarm at all. The move was obviously being made close to a coupling. It was being made very slowly and it was obvious the signals were being given and governing the movement.

Q In your experience when would a fireman call car space signals if ever?

A If he had the signal relayed to him.

Q Would he do it at any other time in your experience?

George Russell

A If he observed that there was close car space and there was reason to be disturbed about it.

Q When you were a fireman was it your practice to call car space in switching moves?

A No.

Q When you were an engineman did you look to your fireman to call car space to you?

A No, the signals from the crew took care of the distances.

Q Now, you went on there:

"At Allowance Avenue crossing fireman called "Gates Down" this said twice. Engineman had already received green light indication from tower to show that gates were down."

Could the engineer not see the gates from both sides?

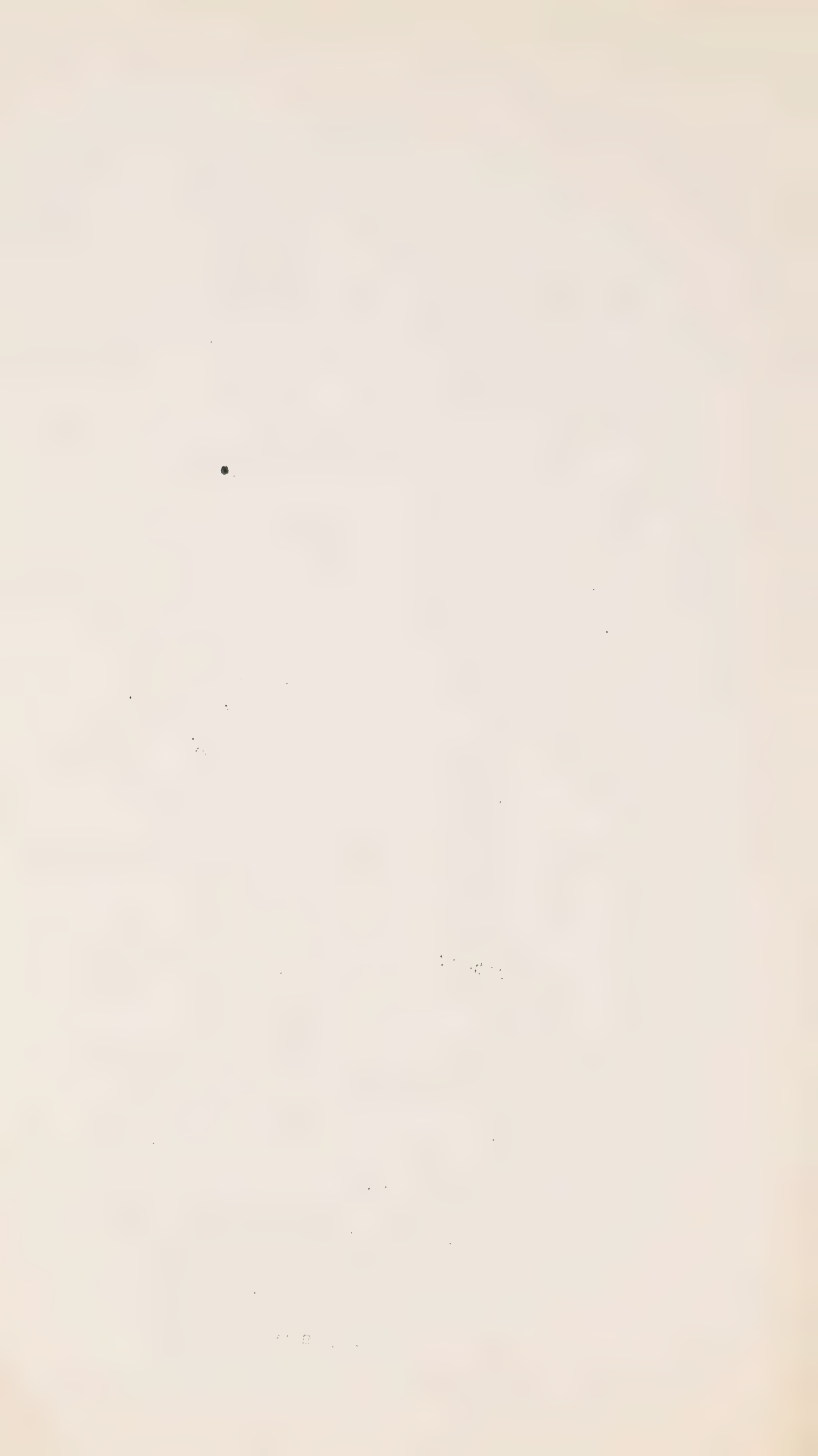
A Actually he could? Yes.

Q And he also had a signal from the tower and yet the fireman called it anyway?

A Yes.

Q All right --

"(d) fireman sat on his seat most of the time. Several times he got up and stood beside the engineer looking out his windows. Fireman appeared to be having some difficulty keeping himself



George Russell

alert in the later hours of the shift. Twice during the shift fireman got out of the cab and opened a switch for the yardmen. This was done to save the yardmen from walking as far as the switch."

What is your comment there? Did you observe the fireman get off his seat and stand behind the engineer doing the switching move?

A Yes.

Q And you say he was having difficulty in keeping alert in the late hours of the shift?

A Yes, he was, I should say, a very good lad, this fireman, and he was trying to do something. He went and threw the switches and saved one of the crew walking up there. Although later on it was dark and he was not seeing anything and he got sitting down and it was pretty difficult to be alert under those conditions.

Q Under what conditions?

A Well, with nothing to do.

Q Under final inspection you say:

"On arrival at the shop track fireman picked up his lunch bucket when the engine stopped, got off, walked around the engine and again drained the air reservoirs, then went to the office".

A Yes.

George Russell

MR.SINCLAIR: Now, Mr.Chairman, so that they may be available for my friend Mr. Russell made a couple of detailed trips --

THE CHAIRMAN: You want Mr.Lewis to have a copy overnight, do you?

MR. SINCLAIR: That is right.

THE CHAIRMAN: Why not adjourn and we can
in
put them in/the morning.

MR. SINCLAIR: Very well.

THE CHAIRMAN: Adjourn.

--- The Commission adjourned at 4.10 p.m. until
10.30 a.m. Thursday, April 4, 1957.

BINDING SECT. APR 21 1972

